



भारत का राजपत्र

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प्राधिकार से प्रकाशित

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No. 44] NEW DELHI, SATURDAY, OCTOBER 30, 1965/KARTIKA 8, 1887

इस भाग में भेदन्न पृष्ठ संख्या वी आती है जिससे कि वह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

लोटिस

NOTICE

मीठे लिखे भारत के प्रसाधारण राजपत्र 16 अक्टूबर, 1965 तक प्रकाशित किए गये ।

The undermentioned Gazettes of India Extraordinary were published up to the 16th October 1965 :—

Issue No.	No. and Date	Issued by	Subject
260	S.O. 3251, dated 15th October, 1965.	Department of Social Security.	Appointing the 17th of October 1965 as the date on which certain provisions of Chapters IV, V and VI of the Employee's State Insurance Act, 1948 shall come into force in certain areas of the State of Orissa.
	S. O. 3252, dated 15th October, 1965.	Do.	Appointing the 17th of October, 1965 as the date on which certain provisions of Chapters IV, V and VI of the Employee's State Insurance Act, 1948 shall come into force in certain areas of the State of Andhra pradesh.

Issue No.	No. and Date	Issued by	Subject
261	S. O. 3253, dated 16th October, 1965.	Ministry of Labour and Employment.	The Calcutta Unregistered Dock Workers (Regulation of Employment) Amendment Scheme, 1965.

उपर लिखी असाधारण गजटों की प्रतियाँ प्रकाशन प्रबन्धक, रिविल लाइन्स, विल्सी के नाम मांगपत्र भेजने पर भेज दी जाएंगी। मांगपत्र प्रबन्धक के पास हन रोजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुंच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II —खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ कोष प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विविध आदेश और अधिसंचानाएँ।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

MINISTRY OF HOME AFFAIRS

New Delhi, the 16th October 1965

S.O. 3338.—In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that the powers and functions of the State Government under the Payment of Bonus Act, 1965 (21 of 1965) except those under section 37 and section 38 of the said Act shall, subject to the control of the President, be exercised and discharged by the Administrator (whether known as Lieutenant-Governor, Chief Commissioner or the Administrator) of each of the Union Territories of Delhi, Himachal Pradesh, Manipur, Tripura, the Andaman and Nicobar Islands, the Lakadive, Minicoy and Amindivi Islands, Dadra and Nagar Haveli, Goa, Daman and Diu and Pondicherry.

[No. F. 2/10/65-UTL.]

K. R. PRABHU, Dy. Secy.

New Delhi, the 19th October 1965

S.O. 3339.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the President hereby makes the following rules further to amend the Indian Frontier Administrative Service Rules, 1956, namely:—

1. **Short Title and commencement.**—(1) These Rules may be called the Indian Frontier Administrative Service (Amendment) Rules, 1965;

(2) They shall be deemed to have come into force on the 1st August, 1965.

2. In the Indian Frontier Administrative Service Rules, 1956,

(i) in Rule 10, in paragraph 3, for the existing entries, the following entries shall be substituted, namely:—

“1. Chairman—A Secretary to the Government of India in Ministry of Home Affairs in charge of the Indian Frontier Adminstrative Service.

2. A Joint Secretary in the Ministry of Home Affairs in charge of the Indian Frontier Adminstrative Service.

3. A representative of the Ministry of Defence.
4. A representative of the Ministry of External Affairs."

(ii) In Rule 11, for items (i) to (v), the following items shall be substituted, namely:—

- "(i) A representative of the Ministry of Home Affairs who shall be the Chairman of the Board,
- (ii) the Adviser to the Governor of Assam,
- (iii) A representative of the Ministry of External Affairs,
- (iv) A representative of the Ministry of Defence,
- (v) one or more anthropologists or experts in tribal affairs."

(iii) for rule 22, the following rule shall be substituted, namely:—

"22. **Controlling Authority**—The Central Government in the Ministry of Home Affairs shall be the Controlling Authority in relation to the Service."

[No. 573(44)/65-NI.]

S. C. DUTTA, Dy. Secy.

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 11th October 1965

S.O. 3340.—In exercise of the powers conferred by sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby directs that the following further amendments shall be made in the Schedule to the notification of the Government of India in the Ministry of Finance (Department of Economic Affairs), S.R.O. 627, dated the 28th February 1957, namely:—

In the said Schedule—

(i) in Part II, under the heading "National Savings Organisation", for the entry "Regional National Savings Officer (Class I) and if there is no Regional National Savings Officer (Class I), Secretary, Headquarters Office of the National Savings Commissioner" in columns 2 and 3 against the entries "Lower Division Clerk; Stenographer; Driver; Operator in Regional Offices" in column 1, the following entry shall be substituted, namely:—

"Regional Director, National Savings (Government of India) and if there is no Regional Director, National Savings (Government of India), Director, Headquarters Office of the National Savings Commissioner;"

(ii) in part III, under the heading "National Savings Organisation", for the entry "Secretary, Headquarters Office of the National Savings Commissioner" in columns 2 and 3 against the entry "All posts in Headquarters Office" in column 1, the following entry shall be substituted, namely:—

"Director, Headquarters Office of the National Savings Commissioner."

[No. F. 18(22)-NS/65.]

V. S. RAJAGOPALAN, Under Secy.

(Department of Economic Affairs)

New Delhi, the 19th October 1965

S.O. 3341.—In exercise of the powers conferred by sub-section (1) of section 38A of Banking Companies Act, 1949 (10 of 1949), the Central Government re-appoints, with effect from the forenoon of the 25th August 1965, Shri P. K. Verghese, on return from leave, to be the Court Liquidator attached to the High Court of Kerala, for the purposes of the said section.

[No. F. 2(4)-BC/65.]

V. SWAMINATHAN, Under Secy.

(Department of Economic Affairs)

New Delhi, the 20th October 1965

S.O. 3342.—Statement of the Affairs of the Reserve Bank of India, as on the 8th October, 1965

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up	5,00,00,000	Notes	13,41,30,000
		Rupee Coin	6,04,000
Reserve Fund	80,00,00,000	Small Coin	2,91,000
National Agricultural Credit (Long Term Operations) Fund	100,00,00,000	Bills purchased and discounted:— (a) Internal
		(b) External
National Agricultural Credit (Stabilisation) Fund	10,00,00,000	(c) Government Treasury Bills	122,28,14,000
		Balances held Abroad*	9,24,95,000
National Industrial Credit (Long Term Operations) Fund	15,00,00,000	Investments**	103,05,87,000
		Loans and Advances to :— (i) Central Government
		(ii) State Governments@	110,21,42,000

Deposits :-		Loans and Advances to :-		
		(i) Scheduled Banks†	.	13,08,90,000
(a) Government:		(ii) State Co-operative Banks††	.	160,90,98,000
		(iii) Others	.	2,17,80,000
(i) Central Government . . .	62,81,73,000	Loans, Advances and Investments from National Agricultural Credit Long Term Operations Fund—		
(ii) State Governments . . .	2,33,32,000	(a) Loans and Advances to:-		
		(i) State Governments	.	29,96,97,000
		(ii) State Co-operative Banks	.	13,23 29,000
		(iii) Central Land Mortgage Banks	.	..
(b) Banks:		(b) Investment in Central Land Mortgage Bank Debentures	.	5,40,77,000
		Loans and Advances from National Agricultural Credit (Stabilisation) Fund—		
(i) Scheduled Banks . . .	92,61,33,000	Loans and Advances to State Co-operative Banks	.	..
(ii) State Co-operative Banks . .	2,54,29,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—		
(iii) Other Banks . . .	2,22,000	(a) Loans and Advances to the Development Bank	.	2,17,34,000
(c) Others	191,41,00,000	(b) Investment in bonds/debentures issued by the Development Bank	.	..
Bills Payable	24,35,54,000	Other Assets	.	33,95,96,000
Other Liabilities	33,13,21,000			
Rupees . .	619,22,64,000	Rupees . .		619,22,64,000

*Includes Cash and Short-term Securities.

**Excluding investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. Nil advanced to scheduled banks against usance bills under section 17(4) (c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 13th day of October 1965.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 8th day of October, 1968

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department			Gold Coin and Bullion :—		
	13,41,30,000		(a) Held in India	.	133,75,66,000
Notes in circulation	2640,65,93,000		(b) Held outside India	.	..
Total Notes issued	2654,07,23,000		Foreign Securities	.	70,63,24,000
			TOTAL	.	204,38,90,000
			Rupee Coin	.	102,24,04,000
			Government of India Rupee Securities	.	2347,44,29,000
			Internal Bills of Exchange and other commercial paper	.	..
TOTAL LIABILITIES	2654,07,23,000		TOTAL ASSETS	.	2654,07,23,000

Dated the 31st day of October, 1968.

P. C. BHATTACHARYYA,
Governor.

[No. F. 3(2)-BC/68.]

R. K. SESHADRI,
Director (Banking).

(Department of Revenue)

INCOME-TAX ESTABLISHMENTS

New Delhi, the 15th October 1965

S.O. 3343.—In pursuance of clause (b) of Sub-rule (ii) of Rule 2 of the Appellate Tribunal Rules, 1946, the Central Government was pleased to appoint Shri G. D. Paul Pandian, as Authorised Representative, Income-tax Appellate Tribunal, Madras to appear, plead and act for any Income-tax authority who was a party to any proceedings before the Income-tax Appellate Tribunal from 15th June 1964 (Forenoon) to 22nd September 1965 (Afternoon).

[No. 273.]

S.O. 3344.—In pursuance of clause (b) of Sub-rule (ii) of Rule 2 of the Appellate Tribunal Rules, 1946, the Central Government has been pleased to appoint Shri S. N. Sastri, Assistant Commissioner of Income-tax as authorised Representative, Income-tax Appellate Tribunal, Madras with effect from 22nd September 1965 (Afternoon) to appear, plead and act for any Income-tax authority who is a party to any proceeding before the Income-tax Appellate Tribunal.

[No. 274.]

M. G. THOMAS, Under Secy.

(Department of Revenue)

ESTATE DUTY

New Delhi, the 16th October 1965

S.O. 3345.—In exercise of the powers conferred by Sub-Section (2A) of Section 4 of the Estate Duty Act, 1953 (34 of 1953), the Central Government hereby appoints Shri N. Ganapathy, Assistant Commissioner of Income-tax as an Appellate Controller of Estate Duty with headquarters at Madras and makes the following amendment in the Schedule to the notification of the Government of India in the Ministry of Finance (Department of Revenue and Company Law) No. 35/F. No. 1/20/64-ED, dated the 22nd May, 1964 namely:—

In the Schedule to the said notification, for the entry,

"5. Shri S. B. Jain, Assistant Commissioner of Income-tax—Madras",
the following entry shall be substituted, namely:—

"5. Shri S. B. Jain, Assistant Commissioner of Income-tax—Madras",
2. This notification shall be deemed to have come into force on the 22nd day of September, 1965.

[No. 21/F. No. 1/20/65-ED.]

G. R. HEGDE, Dy. Secy.

(Department of Revenue)

ORDERS

New Delhi, the 23rd October, 1965

S.O. 3346.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which policies of insurance issued by the Life Insurance Corporation of India under the Scheme of War Risks Insurance of Marine Hulls, are chargeable under the said Act.

[No. 19/65-F. No. 1/62/65-Cus. VII/Stamps.]

STAMPS

S.O. 3347.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds of the value of one crore rupees to be issued by the Maharashtra State Financial Corporation, Bombay are chargeable under the said Act.

[No. 20/65 F. No. 1/61/65-Cus. VII/Stamps.]

M. G. VAIDYA, Under Secy.

CENTRAL BOARD OF DIRECT TAXES

ESTATE DUTY.

New Delhi, the 16th October 1965

S.O. 3348.—In exercise of the powers conferred by sub-section (2A) of Section 4 of the Estate Duty Act, 1953 (34 of 1953) and in partial modification of its notification No. 40/F. No. 1/20/64-ED, dated the 22nd May, 1964 published as S.O. 1884 in Part II, Section 3(ii) of the Gazette of India dated the 30th May, 1964, the Central Board of Direct Taxes hereby directs that Shri N. Ganapathy, an Assistant Commissioner of Income-tax, appointed to be an Appellate Controller of Estate Duty by the notification of the Government of India, Ministry of Finance (Department of Revenue) No. 21/F. No. 1/20/65-ED, dated the 16th October, 1965, shall perform the functions of an Appellate Controller of Estate Duty in respect of—

- (a) the estates of deceased persons assessed to estate duty on or after the 1st July, 1960 by an Assistant Controller of Estate Duty, and
 - (b) the estates of deceased persons in relation to which an appeal lies under section 62 of the Estate Duty Act, 1953 against an order passed on or after the 1st July, 1960, by an Assistant Controller of Estate Duty, where such Assistant Controller has in exercise of his functions under the Estate Duty Act, 1953, made such assessments or passed such orders—
- (i) in any area comprised within the jurisdictions of the Commissioners of Income-tax mentioned below:—
- Commissioner of Income-tax, Madras-I,
 - Commissioner of Income-tax, Madras-II,
 - Commissioner of Income-tax, Kerala,
 - Commissioner of Income-tax, Mysore,
 - Commissioner of Income-tax, Andhra Pradesh;
- (ii) in respect of any of the estates of the deceased persons who were being assessed to income-tax in the jurisdiction of the Commissioner of Income-tax (Central), Madras.

2 This notification shall be deemed to have come into force on the 22nd day of September, 1965.

[No. 22/F.No. 1/20/65-ED.]

G. R. HEGDE, Secy.

CENTRAL EXCISE COLLECTORATE, POONA

CENTRAL EXCISES

Poona, the 27th September 1965

S.O. 3349.—In exercise of the powers vested in me under Rule 233 of the Central Excise Rules 1944, I order that the following amendment shall be made in the Notification No. CER/3/61, dated the 28th February 1961.

For clause (vii) of the Notification, the following clause shall be substituted:

- (vii) Where a wholesale dealer undertakes to process in his duty paid premises whole-leaf tobacco cleared on payment of duty under item 41(5)(iv), he shall inform the proper officer and debit in his E.B. 3 book, the number of packages and the quantity of tobacco taken for processing. The relevant T.P.1 permit or the sale note under which the packages taken for processing were received in the duty-paid premises shall also be endorsed suitably. The quantity of tobacco obtained after processing shall also be shown in the E.B. 3 book and the balance struck properly. The wholesale dealers in class I and II categories who process duty paid whole-leaf tobacco shall also maintain a register in the form annexed hereto in respect of the processing of duty paid tobacco undertaken by them. This register shall be produced before the Central Excise Officers on demand.

Register showing the details of Duty paid Tobacco processed in the L. 2 Premises

Sl. No.	Particulars of goods taken for processing				Nature of pro- cessing	Date of com- mence- ment	Date on which com- pleted	Description and weight of tobacco obtained after processing	Net gain or loss in weight and its percen- tage	Reasons for gain or loss	Packages in which goods are repacked		Remarks	
	T.P. r or sale note No. under which the tobacco was received	E.B.3 entry No. and date	No. of packages	Net weight							Description	Net weight		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

[No. CER/3/65.]

A. K. BANDYOPADHYAY, Collector.

MINISTRY OF COMMERCE
(Office of the Chief Controller of Imports and Exports)

ORDERS

New Delhi, the 16th October 1965

S.O. 3350.—Whereas M/s. Sussex Engineering Tools Industries, Causeway House, Appolo Bunder, Bombay-1, or any Bank or any other person have not come forward furnishing sufficient cause, against Notice No. CCI/I(C)/32/65/2430, dated the 17th September, 1965 proposing to cancel licence No. P/CG/2046764/C/XX/21/C/H/21/CGIII, dated 16th July 1965, for the import of Machinery and accessories for the manufacture of portable tools for Rs. 83,535 granted to said firm M/s. Sussex Engineering Tools Industries, Bombay by the Chief Controller of Imports & Exports, Udyog Bhavan, New Delhi, Government of India in the Ministry of Commerce in exercise of the powers conferred by the Clause-9 of the Import (Control) Order 1955, hereby cancel the said licence No. P/CG/2046764/C/XX/21/C/H/21/CGIII, dated the 16th July, 1965 valued at Rs. 83,535 only for the import of Machinery and accessories for the manufacture of portable tools issued to M/s. Sussex Engineering Tools Industries, Bombay.

M/s. Sussex Engineering Tools
 Industries,
 Causeway House,
 Appollo Bunder,
 Bombay-1.

[No. CCI/I(C)/32/65/2821.]

S.O. 3351.—Whereas M/s. Summit Engineering Industries, William Compound, Malad Marve Road, Malad, Bombay-64 (Maharashtra), or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. CCI/I(C)/17/65/2468, dated the 18th September, 1965, proposing to cancel licence No. P/CG/2042409/C/TR/19/C/H/19/CGIII, dated 21st August 1964, valued at Rs. 73,922 only for the import of Machinery, Accessories and Toolings for manufacture of portable tools granted to said firm M/s. Summit Engineering Industries, Bombay by the Chief Controller of Imports and Exports, Udyog Bhavan, New Delhi, Government of India in the Ministry of Commerce in exercise of the powers conferred by the clause 9 of the Import (Control) Order 1955, hereby cancel the said licence No. P/CG/2042409/C/TR/19/C/H/19/CGIII, dated the 21st August 1964, valued at Rs. 73,922 only for the import of Machinery, Accessories and Toolings for manufacture of portable tools issued to M/s. Summit Engineering Industries, Bombay.

M/s. Summit Engineering Industries,
 William Compound, Malad Marve Road,
 Malad, Bombay-64.
 (Maharashtra).

[No. CCI/I(C)/17/65/2822.]

S.O. 3352.—Whereas M/s. Eclat Radio Appliances, Verka Road, Amritsar, or any Bank or any other person have not come forward furnishing sufficient cause against Notice No. CCI/I(C)/18/65/2684, dated the 1st October, 1965 proposing to cancel licence No. P/SS/1521495/C/XX/18/C/D/17-18, dated 24th January 1964 for import of Radio & Transister Parts for Rs. 18,000 granted to said firm M/s. Eclat Radio Appliances, Amritsar by the Jt. Chief Controller of Imports and Exports (Central Licensing Area), New Delhi, Government of India in the Ministry of Commerce in exercise of the powers conferred by the clause 9 of the Import (Control) Order 1955, hereby cancel the said licence No. P/SS/1521495/C/XX/18/C/D/17-18, dated 24th January 1964 valued at Rs. 18,000 only for the import of Radio and Transister Parts issued to M/s. Eclat Radio Appliances, Amritsar.

M/s. Eclat Radio Appliances,
 Verka Road,
 Amritsar.

[No. CCI/I(C)/18/65/2823.]

D. P. KARNIK,

Jt. Chief Controller of Imports and Exports.

MINISTEY OF FOOD AND AGRICULTURE
(Department of Food)

New Delhi, the 16th October 1965

S.O. 3353.—In pursuance of the provisions of rule 45 of the Fundamental Rules, the President hereby makes the following further amendment to the Supplementary Rules issued with the Government of India, Finance Department letter No. 104-CSR, dated the 4th February, 1922, namely:—

In part VIII of the said rules, after Division XXVI-T, the following shall be inserted namely:—

DIVISION XXVI-U ALLOTMENT OF RESIDENCES UNDER THE ADMINISTRATIVE CONTROL OF THE DIRECTOR, NATIONAL SUGAR INSTITUTE, KANPUR.

S.R. 317-U-1-Short title and application—

- (1) These rules may be called the National Sugar Institute, (Allotment of Residences) Rules, 1965.
- (2) These rules shall apply to the allotment of residences to the members of the staff of the National Sugar Institute, Kanpur, including those engaged on temporary schemes. These rules shall, however, not apply to seasonal workers and dairy paid employees.

S.R. 317-U-2—Definitions.—In these rules, unless the context otherwise requires—

- (a) 'allotment' means the grant of a licence to occupy a residence in accordance with the provisions of these rules;
- (b) 'allotment year' means the year beginning on the 1st January;
- (c) 'competent authority' means the Director, National Sugar Institute, Kanpur;
- (d) 'duty' does not include any leave other than casual leave;
- (e) 'emoluments' means the emoluments as defined in F.R. 45-C, as on the first day of the calendar year, but excluding compensatory allowances;

Explanation.—In the case of an officer who is under suspension, the emoluments drawn by him on the first day of the allotment year in which he is placed under suspension, or, if he is placed under suspension on the first day of the allotment year, the emoluments drawn by him immediately before that day shall be taken as 'emoluments':

- (f) 'family' means the wife or husband, as the case may be, and children, step-children, legally adopted children, parents, brothers or sisters of the officer ordinarily residing with and dependent on the officer;
- (g) 'family officer' means an officer who has a family;
- (h) 'Government' means the Central Government;
- (i) 'post' means a post in a subordinate office in the Department of Food;
- (j) 'priority date' of an officer in relation to a type V or VI residence to which he is eligible under the provisions of S.R. 317-U-3 means the earliest date from which he has been continuously drawing emoluments relevant to a particular type of higher type in a post under the Central Government except for period of leave. But an officer in relation to type I, II, III or IV accommodation under S.R. 317-U-3 shall count for his priority date the entire period of his continuous service under the Central Government:

Provided that where the priority date of two or more officers is the same, seniority among them shall be determined by the amount of emoluments, the officers in receipt of higher emoluments taking precedence over the officers in receipt of lower emoluments, and where the emoluments are equal, by the length of service in the National Sugar Institute, Kanpur:

Provided further that in the case of an officer on deputation to foreign service, such period of foreign service shall be included for the purpose of determination of his priority date;

- (k) 'qualified officer' means an officer who is eligible for allotment of that type of residence which is admissible to him under S.R. 317-U-3;
- (l) 'rent' means the sum of money payable monthly in accordance with the provisions of the Fundamental Rules in respect of a residence allotted under these rules;
- (m) 'subletting' includes sharing of accommodation by another person with or without payment of rent by such other person:

Provided that any sharing of accommodation by an allottee with close relations shall not be deemed to be subletting.

- (n) 'temporary transfer' means a transfer which involves the absence of the allottee from the concerned accommodation for a period not exceeding four months;
- (o) 'type' in relation to an officer means the type of residence to which he is eligible under S.R. 317-U-3.

S.R. 317-U-3—*Classification of residences.*—Save as otherwise provided in these rules, an officer drawing monthly emoluments as specified in column (2) of the Table below shall be eligible for allotment of a residence of the type mentioned in the corresponding entry in column (1) thereof:—

TABLE

Type of residence	Monthly emoluments
I	2
I	Less than Rs. 110/-
II	Less than Rs. 250/-
III	Less than Rs. 400/-
IV	Less than Rs. 700/-
V	Less than Rs. 1,300/-
VI	Rs. 1,300/- and above.
	but not less than Rs. 110/-
	but not less than Rs. 250/-
	but not less than Rs. 400/-
	but not less than Rs. 700/-

S.R. 317-U-4—*Applicant for allotment.*—(1) An officer who seeks allotment of a residence or the continuance of allotment of a residence which has been allotted to him, may apply at any time and shall apply in that behalf to the competent authority when directed to do so by him, and in such form and manner and by such date as may be prescribed by him.

(2) All applications received otherwise than in pursuance of the direction referred to in sub-rule (1) but before the 20th day of a calendar month shall be considered for allotment in the succeeding month.

S.R. 317-U-5—*Allotment of residences.*—(1) The allotment shall be made by the Director, National Sugar Institute, Kinpur on the basis of applications of qualified officers eligible for a particular type of residence as per rule S.R. 317-U-3. He shall maintain a list of the applicants in respect of each type of residence available for allotment.

(2) Save as otherwise provided in these rules, a residence, on falling vacant, will be allotted by the competent authority to an applicant having the earliest priority date for that type of residence subject to the following conditions:—

- (i) He shall not ordinarily allot a residence of a type higher than that to which the applicant is eligible under S.R. 317-U-3, provided that when there is no sufficient number of qualified officers for such residence, he may allot such residence to an officer belonging to the group entitled to the next lower type and drawing the highest emoluments in that group.
- (ii) The competent authority shall not compel any applicant to accept a residence of a lower type than that to which he is eligible under S.R. 317-U-3.
- (iii) The competent authority on request from an applicant for allotment of a lower type residence, might allot to him a residence next below the type for which the applicant is eligible under S.R. 317-U-3 on the basis of the priority date for the same.

(3) The competent authority may cancel the existing allotment of an officer and allot to him an alternative residence of the same type or, in emergent circumstances, an alternative residence of the type next below the type of residence in the occupation of the officer is required to be vacated.

(4) The competent authority may allot residential accommodation to the members of the essential staff (as set out in the Appendix) irrespective of their *inter se* seniority.

(5) A residence shall ordinarily be allotted to a family officer, but in exceptional circumstances a residence may be allotted to a non-family officer at the discretion of the competent authority; in the case of such allotments preference shall ordinarily be given to the holder of a post the duties relating to which require his presence in office at odd hours during the day and night.

(6) The holder of a temporary post to whom a residence is allotted shall revert to a lower type of residence as soon as one can be made available to him, if he is at any time reverted to a lower post not entitling him to the type of residence originally allotted and this shall be an express condition of the original allotment.

(7) No officer shall be allotted a residence under these rules if the wife or the husband, as the case may be, of the officer has already been allotted a residence, unless such residence is surrendered:

Provided that this sub-rule shall not apply where the husband and wife are residing separately in pursuance of an order of judicial separation made by any court.

(8) Where two officers in occupation of two separate residences allotted under these rules marry each other, they shall, within one month of the marriage, surrender one of the residences.

(9) If one of the said two residences is not surrendered as required by sub-rule (8) above, the allotment of the residence of the lower type shall be deemed to have been cancelled on the expiry of the said period of one month and if the residences are of the same type, the allotment of such one of them as the competent authority may decide, shall be deemed to have been cancelled on the expiry of the said period.

S.R. 317-U-6-Non-acceptance of allotment of offer or failure to occupy the allotted residence after acceptance.—(1) If an officer fails to accept the allotment of a residence within five days, or fails to take possession of that residence after acceptance within eight days, from the date of receipt of the letter of allotment he shall not be eligible for another allotment for a period of six months from the date of the allotment letter.

(2) If an officer occupying a lower type of residence is allotted or offered a residence of the type for which he is eligible under S.R. 317-U-3 for which he has applied under S.R. 317-U-5(2)(iii), he may, on refusal of the said allotment or offer of allotment, be permitted to continue in the existing residence on the following conditions, namely:—

- (a) that such officer shall not be eligible for another allotment of the higher type accommodation for a period of six months from the date of the allotment letter;
- (b) that during the period he retains the existing residence, he shall be charged the same rent which he would have had to pay under F.R. 45-A in respect of the residence so allotted or offered or the rent payable in respect of the residence thus retained, whichever is higher.

S.R. 317-U-7-Period for which allotment subsists and the concessional period for further retention.—(1) An allotment shall be effective from the date on which it is accepted by the officer and shall continue in force till—

- (a) it is cancelled by the competent authority or is deemed to have been cancelled under any provision of these rules;
- (b) it is surrendered by the officer; or
- (c) the officer ceases to occupy the residence.

(2) A residence allotted to an officer may be retained on the happening of any of the events specified in column 1 of the Table below, for the period specified in the corresponding entry in column 2(a) or 2(b) thereof, as the case may be, if such residence is required for the bonafide use of the officer or members of his family;

Provided that an officer occupying a Government residence allotted to him on rent-free basis may be allowed to retain the residence in his occupation for the period mentioned in column 2(b), if he agrees to pay rent for such period as provided under F.R. 45A IV(b).

TABLE

Events	Permissible period for retention of the residence	
	By officers paying rent	By officers occupying residedees on rent free basis
I	2(a)	2(b)
(i) (a) Resignation (b) Dismissal, removal or termination of service	1 month 1 month	Nil 1 month
(ii) Retirement or terminal leave	2 months	1 month
(iii) Death of the allottee	4 months	1 month
(iv) Transfer to another station	2 months	15 days
(v) Proceeding on foreign service in India	2 months	15 days
(vi) Temporary transfer in India or transfer to a place outside India.	4 months	15 days
(vii) Leave (other than leave preparatory to retirement, refused leave, leave or study leave).	For the period of leave but not exceeding 4 months.	1 month.
(viii) Leave preparatory to retirement, or refused leave granted under F.R. 86.	For the full period of leave on full average pay subject to a maximum of four months inclusive of the period permissible in the case of retirement.	1 month.
(ix) Study leave or deputation outside India	For the period of leave but not exceeding six months.	1 month
(x) Study leave in India.	For the period of leave but not exceeding six months.	1 month
(xi) Leave on medical grounds (Other than T.B. Leave).	For the period of leave but not exceeding 8 months.	1 month
(xii) Medical leave on ground of T. B.	For the full period of leave.	1 month.
(xiii) Proceeding on training	For the full period of training.	1 month.

(3) An officer who has been allowed to retain the residence under the provisions of sub-rule (2) shall, on re-employment in the same office and at the same station within the period specified in the said Table, be entitled to continue so to retain that residence and he shall also be eligible for any further allotment of residence under these rules:

Provided that if the emoluments of the officer on such re-employment do not entitle him to the type of residence retained by him, he shall be allotted a lower type of residence.

S.R. 317-U-8-Ineligibility of officers owning houses for allotment under these rules.—(1) Notwithstanding anything contained in these rules, no officer shall be

eligible for allotment of a residence under these rules, or, if he or she is already in occupation of a residence, to its continued retention, if—

- (a) he or she owns, or has, since the allotment of a residence, become the owner of, a house, whether in his or her name or in the name of any other person;
- (b) any member of his or her family owns, or has, since the allotment of a residence, become the owner of a house.

(2) If, after a residence has been allotted to an officer, he or she becomes the owner of a house either in his or her name or in the name of any other person or a member of his or her family becomes the owner of a house, such officer shall—

- (i) notify that fact to the competent authority within a period of seven days from the date he or she or any member of his or her family becomes such owner, and
- (ii) either surrender the Government residence within that period or pay the standard rent for that residence as calculated under F.R. 45-B or the pooled standard rent under F.R. 45-A, whichever is higher, with effect from the date referred to in clause (i) above:

Provided that if such officer fails to notify the fact as provided in clause (i), his or her allotment of residence shall be deemed to have been cancelled with effect from the aforesaid date:

Provided further that where an officer has been allotted a residence before the date of commencement of these rules and he, she or a member of his or her family becomes the owner of house as aforesaid after such allotment but before that date, such officer may be allowed to retain the residence allotted to him or her if he or she pays—

- (a) the standard rent for that residence as calculated under F.R. 45-B or the pooled standard rent under F.R. 45-A, whichever is higher, with effect from the date of commencement of these rules; and
- (b) for the period prior to such commencement, any rent or damages or both recoverable from him in respect of the occupation of that residence.

(3) Notwithstanding anything contained in sub-rule (1) or (2), a residence may be allotted to an officer, or, if he or she is in occupation of such residence, it may be allowed to be retained by him or her under the provisions of F.R. 45-A, in the event of his or her becoming the owner of a house either in his or her own name or in the name of any other person or in the event of a member of his or her family becoming the owner of a house in the following cases, namely:—

- (a) where the house becomes vested in a trust created by the officer after obtaining the permission of the Government under the conduct rules applicable to him;
- (b) where the house belongs to the officer as a member of a Hindu undivided family and the competent authority is satisfied that partition of the house by metes and bounds is not feasible to make it fit for an independent residence;
- (c) if the plinth area of the house is less than one third of the plinth area of the residence of the type to which the officer is eligible for allotment under S.R. 317-U-3.

Explanation I.—In this rule, the expression "house" in relation to an officer or member of his or her family, means a residential house or a part thereof which is situated within the limits of Kanpur Municipal Corporation.

Explanation II.—“Member of family” in relation to an officer, for the purpose of this rule, means the wife or husband, as the case may be, or a dependant child of such officer.

Explanation III.—In this rule, an officer is said to own a house in the name of any other person if the officer has acquired or transferred a house in the name of such other person—

- (i) without intending thereby to benefit that person; and
- (ii) the officer is in actual or constructive possession of the house or enjoys its rents or profits.

Explanation IV.—For the purpose of this rule, an officer shall be deemed to be the owner of a house if he or she is in possession thereof under an agreement of sale although the title has not been conveyed to him or her.

S.R. 317-U-9 Provisions relating to rent.—(1) (i) Where an allotment of accommodation or alternative accommodation has been accepted, the liability for rent shall commence from the date of occupation or the eighth day from the date of receipt of the allotment, whichever is earlier.

(ii) An officer who, after acceptance, fails to take possession of that accommodation within eight days from the date of receipt of the allotment letter, shall be charged rent from such date upto the end of a period of one month or up to the date of re-allotment of that particular accommodation, whichever is earlier.

(2) Where an officer, who is in occupation of a residence is allotted another residence and he occupies the new residence, within the permissible period of eight days, the allotment of the former residence shall be deemed to be cancelled as from the day of actual occupation of the new residence. He may, however, retain the former residence without payment of rent of that day and the subsequent day for shifting.

S.R. 317-U-10.—Personal liability of the officer for payment of rent till the residence is vacated and furnishing surety by temporary officers.—(1) The officer to whom a residence has been allotted shall be personally liable for the rent thereof and for any damage beyond fair wear and tear caused thereto or to the furniture, fixtures or fittings or services, if any, provided therein by the Government during the period for which the residence has been and remains allotted to him, and where the allotment has been cancelled under any of the provisions of these rules, until the residence along with the out-houses appurtenant thereto have been vacated and full vacant possession thereof has been restored to Government.

(2) Where the officer to whom a residence has been allotted is neither a permanent nor a quasi-permanent Government servant, he shall execute a security bond in the form prescribed in this behalf by the Government with a surety, who shall be a permanent Government servant serving under the Central Government, for due payment of rent and other charges due from him in respect of such residence and services or any other residence provided in lieu thereof.

(3) If the surety ceases to be in Government service or becomes insolvent or withdraws his guarantee or ceases to be available for any other reasons, the officer shall furnish a fresh bond executed by another surety within thirty days from the date of his acquiring knowledge of such event; and if he fails to do so, the allotment of the residence to him shall, unless otherwise decided by the competent authority, be deemed to have been cancelled, with effect from the date of that event.

S.R. 317-U-11—Surrender of an allotment and period of notice.—(1) An officer may at any time surrender an allotment and shall in that case give written notice of such surrender so as to reach the competent authority at least, ten days before the date of the proposed vacation of the residence and the allotment of the residence shall be deemed to be cancelled with effect from the eleventh day after the day on which the notice is received by the competent authority or the date specified in the notice, whichever is later.

(2) If, however, he fails to give such notice, he shall be liable for payment, in lieu of notice, of rent for ten days or the number of days by which the period of notice given by him falls short of ten days, provided that the competent authority may, in appropriate cases, accept a notice for a shorter period.

S.R. 317-U-12—Change of residence.—(1) An officer to whom a residence has been allotted under these rules may apply for a change to another residence of the same type or a residence of the type to which he is eligible under S.R. 317-U-3. Not more than one change shall be allowed in respect of one type of residence allotted to the officer.

(2) If an officer fails to accept an offer of change of residence made to him, within five days of the issue of such offer, he shall not be considered again for a change for another residence of the same type.

S.R. 317-U-13—Maintenance of residence.—(1) An officer to whom a residence has been allotted shall maintain the residence and premises in a clean condition

to the satisfaction of the competent authority, and such officer shall not grow any tree, shrubs or plants contrary to the instructions issued by the competent authority nor cut or lop off any existing tree or shrub in any garden, courtyard or compound attached to the residence save with the prior permission in writing of the competent authority; trees plantation or vegetation, grown in contravention of this rule may be caused to be removed by the competent authority at the cost of the officer concerned.

(2) An officer to whom a residence has been allotted shall be required, when he enters into occupation of, and when he vacates, the premises, to sign an inventory of the furniture, fittings and the like provided therein.

S.R. 317-U-14—Subletting and sharing of residences.—(1) No officer shall share with others the residence allotted to him or her or any of the out-houses or garages appurtenant thereto, except with the prior permission of the competent authority and such permission may be granted by the competent authority subject to such conditions as he may prescribe in this behalf. The servants' quarters, out-houses, and garages may be used only for *bona fide* purposes including residence of the servants of the allottee or for such other purposes as may be permitted by the competent authority.

(2) No officer shall sublet the whole of his or her residence:

Provided that an officer proceeding on leave may accommodate in the residence any qualified officer, as a caretaker, for the period specified in S.R. 317-U-7(2) but not exceeding six months.

(3) Any officer who shares or sublets his or her residence shall do so at his or her own risk and responsibility and shall remain personally liable for any rent payable in respect of the residence and for any damage, beyond fair wear and tear, caused to the residence or its precincts or grounds or services provided therein by the Government.

S.R. 317-U-15—Consequences of breach of rules and conditions.—If an officer to whom a residence has been allotted commits any breach of these rules or makes any improper use of the residence or premises allotted to him or her, or prior to such allotment, knowingly furnishes incorrect information in an application or written statement with a view to securing the allotment, or conducts himself or herself in a manner which, in the opinion of the competent authority is prejudicial to the maintenance of harmonious relations with his or her neighbours, such authority may, without prejudice to any other disciplinary action that may be taken against him or her—

- (a) cancel the allotment and require him or her to vacate the residence or premises and to pay standard rent for that residence or premises as calculated under F.R. 45-B with effect from such date as may be specified in the order; and
- (b) declare him or her to be ineligible for a fresh allotment for a specified period.

Explanation I.—In this rule, the expression, 'improper use' shall include—

- (i) erecting unauthorised structure in any part of the residence;
- (ii) using the residence or any portion thereof for purposes other than those for which they are meant;
- (iii) unauthorised extensions to electric and water connections and tampering therewith.

Explanation II.—In this rule, the expression 'officer' includes, unless the context otherwise requires, a member of his or her family and any person claiming through the officer.

S.R. 317-U-16—Overstayal in residence after cancellation of allotment.—Where after an allotment has been cancelled or is deemed to have been cancelled under any provision contained in these rules, the residence remains or has remained in the occupation of the officer to whom it was allotted or of any person claiming through him or her, such officer shall be liable to pay damages for use and occupation of the residence, services, furniture and garden charges equal to the market rent as may be determined by the Government from time to time:

Provided that an officer, in special cases, may be allowed by the competent authority to retain a residence on payment of twice the standard rent under F.R. 45-A, or twice the pooled standard rent under F.R. 45-A, where the rents have

been pooled, for a period not exceeding six months beyond the period permitted under S.R. 317-U-7(2).

S.R. 317-U-17—Continuance of allotment made prior to the issue of these rules.—Any valid allotment of a residence which is subsisting immediately before the commencement of these rules shall be deemed to be an allotment duly made under these rules notwithstanding that the officer to whom it has been made is not entitled to a residence of that type under S.R. 317-U-3 and all the foregoing provisions of these rules shall apply in relation to that allotment and that officer accordingly.

S.R. 317-U-18—Interpretation of rules.—If any question arises as to the interpretation of these rules, such question shall be decided by the Government.

S.R. 317-U-19—Relaxation of rules.—The Government may for reasons to be recorded in writing, relax all or any of the provisions of these rules in the case of any officer or residence or class of officers or type of residences."

APPENDIX

[See S.R. 317-U-5(4)]

List of posts on the essential staff at the National Sugar Institute, Kanpur—

1. Office Superintendent.
2. Assistant Warden.
3. Care-Taker.
4. Garden Supervisor.
5. Time Keepers.
6. Gas Mistry.
7. Telephone Operators.
8. Staff car Drivers.
9. Truck Driver.
10. Jamadars.
11. Chowkidars.
12. Truck-Cum-Mechanic Driver.
13. Tractor Driver.
14. Diesel Engine Driver.
15. Sweepers.
16. Malies.
17. Farases.

[No. F. 3-57/64-Sugar.]

PARTAP SINGH, Under Secy.

(Department of Agriculture)

New Delhi, the 19th October 1965

S.O. 3354.—The following draft of certain rules further to amend the Wheat Atta Grading and Marking Rules, 1961, which the Central Government proposes to make in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), is published as required by the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 15th November, 1965.

Any objection or suggestion which may be received from any person with respect to the said draft before the said date will be considered by the Central Government.

Draft Rules

1. These rules may be called the Wheat Atta Grading and Marking (Second Amendment) Rules, 1965.
2. In Schedule IV of the Wheat Atta Grading and Marking Rules, 1961,—
 - (a) in column (5), for the entry "0·05" wherever it occurs the entry "0·1" shall be substituted;

- (b) in column (6), for the entry "2·1" wherever it occurs, the entry "2·5" shall be substituted;
- (c) in column (8), for the entry "0·35" wherever it occurs, the entry "0·75" shall be substituted.

[No. F. 15-22/65-AM.]

SANTOKH SINGH, Under Secy.

(Department of Agriculture)

New Delhi, the 19th October 1965

S.O. 3355.—In para. 2 of Notification issued by the Department of Agriculture, Ministry of Food and Agriculture, Government of India, in Gazette of India Extraordinary under S.O. 2497 dated the 7th August, 1965, for "31st day of October 1965" read "31st day of July, 1966".

[No. 1-8/65-Econ.Py.]

A. C. JAIN, Under Secy.

(Department of Agriculture)

(Indian Council of Agricultural Research)

New Delhi, the 13th October 1965.

S.O. 3356.—In pursuance of Sub-Sections (h), (i), (k), (l), (m) and (r) of Section 4 of the Indian Oilseeds Committee Act 1946 (9 of 1946), the Central Government hereby appoint the following persons as members of the Indian Central Oilseeds Committee, to represent the interests shown against each, for the period ending 30th November, 1965 or till the reorganisation of the Committee whichever is earlier :

Serial No.	Name of person.	Sub-Section of Section 4 of the IOC Act and interest represented
1	Shri Subramanya Gounder, President, Co-operative Marketing Society, Salam District Madras.	(h) representing Co-operative movement.
2	Shrimati Pratima Bose, Chairman, West Bengal Khadi and Village Industries Board, Calcutta—13.	(j) representing village oilseeds crushing industry.
3	Shri Sirasappa Ijari, Member of Khadi Board, Harpanahalli, Bellary District.	(j) Do.
4	Swami Ramanand Tirth, Vice-Chairman Maharashtra State Khadi & Village Industries Board, Hyderabad.	Do.
5	Dr. A. C. Chhatrapati, C/o The Vanaspati Manufacturers' Association of India, Bombay.	(k) representing the vanaspati industry.
6	Shri Ramdas Kilachand, 45-47 Appollo Street, Bombay.	(m) representing exporters of oilseeds and oilseed products.
7	Shri C. V. Mariwala 281-87 Narshinatha Street, Bombay.	(l) representing power oilseeds crushing industry.
8	Shri E. R. Mahajani, Lakshmi Oil Mills, Akola.	(r) representing oilseeds trade association.
9	Shri Tokarshilalji Kapadia, Andhra Pradesh Grain & Seeds Merchants' Association, Hyderabad.	Do.
10	Shri Vishan Swarup Aggarwal, 29-A Sir Hari Ram Goenka Street, Calcutta.	(r) representing oilseeds trade associations.
11	Shri Devji Rattansey, 25, Chinch Bunder, Bombay.	Do.

MINISTRY OF TRANSPORT

(Transport Wing)

New Delhi, the 20th October 1965

S.O. 3357.—In exercise of the powers conferred by sub-section (3) of section 202 of the Merchant Shipping Act, 1958, the Central Government hereby directs that the amounts already deposited by the masters or owners of ships and amounts to be deposited in future with the Shipping Masters on account of fines imposed on seamen shall be transferred to the Seafarers Welfare Fund to be utilised for the Welfare of Seamen.

[No. 14-MT(13)/65.]

D. S. NIM, Dy. Secy.

DEPARTMENT OF SOCIAL SECURITY

New Delhi, the 16th October 1965

S.O. 3358.—Whereas Shri L. Ratna Singh, Provident Fund Inspector (Grade I), on deputation in the Employees' Provident Fund Organisation in the State of Mysore, has been reverted to his parent Department with effect from 31st August, 1965 (afternoon).

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby rescinds the notification No. S.O. 41, dated the 24th December, 1958 [No. PF-I/31(465)/58] of the Government of India in the Ministry of Labour and Employment.

[No. 20(66)/64-PF-I.]

New Delhi, the 18th October 1965

S.O. 3359.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 31st day of October, 1965, as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force), and Chapters V and VI [except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of West Bengal, namely:—

- (a) Police Stations of Uttarpara Serampore in the Serampore Sub-Division;
- (b) Police Stations of Bhadrreswar and Chandernagore in the Chandernagore Sub-Division; and
- (c) Police Stations of Chinsurah and Mogra in the Sadar Sub-Division in the district of Hooghly.

[No. F.13(27)/65-HI.]

DALJIT SINGH, Under Secy.

CENTRAL ELECTRICITY AUTHORITY

New Delhi, the 28th September 1965

S.O. 3360.—In exercise of the powers conferred by Sub-section 6 of Section 3 of the Electricity (Supply) Act, 1948, the Central Electricity Authority hereby appoints Shri S. Govindappa, Assistant Engineer, Mysore State Electricity Board as Assistant Director, Southern Regional Electricity Board, Bangalore with effect from the forenoon of the 2nd September, 1965 until further orders.

[No. 5/4/64-CEA(Adm. I).]

S.O. 3361.—In exercise of the powers conferred by Sub-section 6 of Section 3 of the Electricity (Supply) Act 1948 (LIV of 1948), the Central Electricity Authority with the approval of the Central Government, hereby appoints Shri J. S. Ahluwalia, a Deputy Director in the Central Water and Power Commission (Power Wing) as Secretary, North-Eastern Regional Electricity Board, Shillong, with effect from the forenoon of the 18th September, 1965 until further orders.

[No. 1/30/64-CEA(Adm. I).]

New Delhi, the 30th October 1965

S.O. 3362.—In exercise of the Powers conferred by Sub-section 6 of Section 3 of the Electricity (Supply) Act, 1948, the Central Electricity Authority hereby appoints Shri K. T. Bhimsena, Assistant Engineer, Mysore State Electricity Board as Assistant Director, Southern Regional Electricity Board, Bangalore with effect from the forenoon of the 6th October, 1965 until further orders.

[No. 5/4/64-CEA(Adm.I.)]

M. M. DHAWAN, Under Secy.
for Chairman, C.E.A.

**MINISTRY OF RAILWAYS
(Railway Board)**

New Delhi, the 18th October, 1965

S.O. 3363.—In pursuance of clause (c) of section 2 of the Terminal Tax on Railway Passengers Act, 1956 (69 of 1956), the Central Government hereby declares "Jhusi" to be a notified place for the purposes of the said Act and directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Railways (Railway Board) No. F. (X)II-57/TX-19/12-1, dated the 18th July, 1961, namely:—

In the Schedule to the said notification, after item 9 and the entry relating thereto, the following item and entry shall be added, namely:—

"10. Jhusi".

2. This notification shall come into force on the 1st January, 1966.

[No. F(X)I-65/TX-19/4.]

S.O. 3364.—In exercise of the powers conferred by section 3 of the Terminal Tax on Railway Passengers Act, 1956 (69 of 1956) and of all the powers hereunto enabling and in supersession of the notification of the Government of India in the Ministry of Railways (Railway Board) No. F.(X)I-64/TX-19/14, dated the 10th February, 1965, the Central Government hereby—

(a) fixes the rates specified in column (2) of the Schedule annexed hereto as the rates at which terminal tax shall be levied in respect of every railway ticket on all passengers carried by railway from or to the notified places specified in column (1) of the said Schedule;

(b) directs that the aforesaid terminal tax shall be leviable with effect from the 1st January, 1966.

2. This Notification shall come into force on the 1st January, 1966.

THE SCHEDULE

Names of notified places.		Rates of terminal tax per single ticket			
I	II	ADULT	Child between 3 & 12 years of age.		
1. Allahabad Jn.					
2. Allahabad City					
3. Daraganj					
4. Naini Jn.					
5. Prayag					
6. Prayag Ghat	For short distance passengers	For long distance passengers	For short distance passengers	For long distance passengers	
6. Prayag Ghat (when opened)	(41-150 miles or 66-242 kilometres).	(over 150 miles or over 242 kilometres).	(41-150 miles or 66-242 kilometres)	(over 150 miles or over 242 kilometres)	
7. Phaphamau					
8. Subedarganj					
9. Bamrauli					
10. Jhusi					
AIR-CONDITIONED					
or 1st Class	Paise	Paise	Paise	Paise	Paise
1st Class	1·40	1·50	0·70	0·75	
2nd Class	0·90	1·00	0·45	0·50	
3rd Class	0·40	0·50	0·20	0·25	

Explanation.—The Terminal Tax on a return ticket shall be double the rates fixed herein.

[No. F(X)I-65/TX-19/4.]

P. C. MATHEW, Secy.

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 18 अक्टूबर 1965

एस० ओ० ३३६५—रेल यात्रियों पर सीमा कर अधिनियम 1956 (1956 का 69) के खण्ड २ की धारा (ग) के अनुसार केन्द्रीय सरकार एतद्वारा कथित अधिनियम के प्रयोजनार्थ “झूसी” को अधिसूचित स्थान घोषित करती है और निदेश देती है कि भारत सरकार रेल मंत्रालय (रेलवे बोर्ड) की 18 जुलाई 1961 की अधिसूचना सं० एफ (एक्स) II—57/टी एक्स - 19/12-1 में निम्न घोषित किया जाये अर्थात् :—

कथित अधिसूचना की अनुसूची में भद्र ९ और उस से सम्बन्धित इन्दराज के बाद निम्न-सूचित भद्र और इन्दराज जोड़ दिये जायें, अर्थात्

“ १०. झूसी”

2. यह अधिसूचना १ जनवरी 1966 से लागू होगी ।

[मं० एफ (एक्स) I-65 टी एक्स 19/4.]

एस० ओ० ३३६६—रेल यात्रियों पर सीमा कर अधिनियम 1956 (1956 का 69) की धारा ३ द्वारा प्रदत्त शक्तियों तथा अब तक प्रदत्त सभी शक्तियों का प्रयोग करते हुए और भारत सरकार रेल मंत्रालय (रेलवे बोर्ड) की 10 फरवरी 1965 की अधिसूचना सं० एफ (एक्स) I-64/टी एक्स - 19/14 का अतिक्रमण करते हुए केन्द्रीय सरकार —

(क) इस अधिसूचना की अनुसूची के कालम (2) में उल्लिखित दर निश्चित करती है। इसी दर के अनुसार कथित अनुसूची के कालम (1) में उल्लिखित अधिसूचित जगहों से तक जाने वाले सभी यात्रियों की प्रत्येक रेलवे टिकट पर सीमा कर लगाया जायेगा ;

(ख) यह निदेश देती है कि उपर्युक्त सीमा कर १ जनवरी 1966 से लागू किया जायेगा ।

2. यह अधिसूचना १ जनवरी 1966 से लागू होगी ।

अनुसूची

प्रधिसूचित जगह का नाम

प्रति इकहरे टिकट पर सीमा कर की दर

1

2

वयस्क

3 प्रीर 12 वर्ष के बीच का बच्चा

1. इलाहाबाद जं०	1	थोड़ी दूरी समी दूरी	थोड़ी दूरी	लम्बी दूरी
2. इलाहाबाद सिटी	.	के यात्रियों के यात्रियों	के यात्रियों	के यात्रियों
3. दारगंज	:	के लिए के लिए	के लिए	के लिए
4. नैनी जं०	.	(41-150 (150 मील	(41-150 (150 मील	
5. प्रयाग	.	मील-या 66- या 242	मील या 66- या 242	
6. प्रयाग घाट (जब से खुला है)	.	242 किलोमीटर	242 किलोमीटर	
7. फाफामऊ	.	किलोमीटर) से अधिक)	किलोमीटर) से अधिक)	
8. सूबेबदार गंज	.			
9. बमरौली	.			
10. भूसी	.			

	पैसे	पैसे	पैसे	पैसे
वातानुकूल या पहला दर्जा	1.40	1.50	0.70	0.75
दूसरा दर्जा	0.90	1.00	0.45	0.50
तीसरा दर्जा	0.40	0.50	0.20	0.25

व्याख्या: वापसी टिकट पर सीमा कर अनुसूची में निर्धारित दर से दुगना होगा।

[संख्या एफ (एस) I-65 टो एक्स - 19/4]

नॉ च० मैथ्यू,
सचिव, रेलवे बोर्ड।

MINISTRY OF REHABILITATION

(Office of the Chief Settlement Commissioner)

New Delhi, the 18th October, 1965

S.O. 3367.—In exercise of the powers conferred by Clause (a) of Sub-section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints for the Union Territory of Delhi, Shri D. R. Sharma, Assistant Settlement Officer in the Office of Regional Settlement Commissioner, New Delhi as Managing Officer for the

custody, management and disposal of compensation pool with effect from 1st September, 1965.

[No. 8/48/ARG/64.]

S.O. 3368.—In exercise of the powers conferred by Clause (a) of Sub-section (2) of Section 16 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints for the State of Punjab, Shri M. B. Bhalla, Assistant Settlement Officer in the office of Regional Settlement Commissioner, Jullundur as Managing Officer for the custody, management and disposal of compensation pool with effect from the date he took over charge of his office.

[No. 7/17/ARG/60.]

KANWAR BAHADUR,
Settlement Commissioner (A) and Ex-Officio Dy. Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 14th October 1965

S.O. 3369.—In exercise of the powers conferred by Section 3 of the Cinematograph Act, 1952 (37 of 1952), the Central Government hereby appoints Shri B. P. Bhatt, as Chairman, Central Board of Film Censors in an officiating capacity with effect from 22nd April, 1965 (afternoon) until further orders.

[No. F. 2/27/65-FC.]

New Delhi, the 15th October 1965

S.O. 3370.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 8 read with sub-rule 2 of rule 9 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby re-appoints Smt. Kundan J. Mehta, as a member of the Advisory Panel of the said Board at Bombay with effect from 19th December, 1965.

[No. 11/2/62-FC.]

S.O. 3371.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952 and sub-rule (3) of rule 8 read with sub-rule 2 of rule 9 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby re-appoints Smt. Y. S. Adarkar, as a member of the Advisory Panel of the said Board at Bombay with effect from 5th October, 1965.

[No. 11/2/62-FC.]

CORRIGENDUM

New Delhi, the 14th October 1965

S.O. 3372.—In this Ministry's Notification No. S.O. 3090, dated the 18th September, 1965 published at page 3289 in Part II Section 3—Sub-section (ii) of the Gazette of India Extraordinary dated the 2nd October, 1965, in the 4th line of Notification for "Shri Jagmohan" please read "Shri JAG MOHAN".

[No. F. 11/2/62-FC.]

G. S. GUPTA, Dy. Secy.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 19th October 1965

S.O. 3373.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of Shri K. G. S. Pisharody, Arbitrator, in the industrial dispute between the employers in relation to the North Jharkhand Colliery, Post Office Jharkhand Colliery, District Sarguja, Madhya Pradesh and their workmen which was received by the Central Government on the 12th October, 1965.

BEFORE SHRI K. G. S. PISHARODY, COMMISSIONER, BILASPUR DN. & ARBITRATOR UNDER SECTION 10A OF THE INDUSTRIAL DISPUTES ACT, 1947.

PARTIES :

Manager of North Jhagrakhand Colliery of the Jhagrakhand Collieries (P) Ltd., P.O. Jhagrakhand Colliery, district Surguja, Madhya Pradesh.

(representing employers)

versus

Madhya Pradesh Koyla Mazdoor Panchayat, P.O. Kurasia Colliery, district Surguja, Madhya Pradesh.

(representing workmen)

INDUSTRY: Coal Mining

Specific matters in dispute

STATE—Madhya Pradesh.

AWARD

(1) Whether the demand of M.P. Koyla Mazdoor Panchayat for re-employment of 215 persons (as per list) with full wages for the period of their idleness is justified.

Only demand for re-employment is justified.

(2) If so, to what extent?

Demand for wages for any part of the period of idleness is not justified. Credit should be given to the 215 workers for the past services they have put in for all purposes other than payment of wages in respect of the period of idleness and the period of idleness should be regularised in this manner by the Management.

(Sd.) K. G. S. PISHARODY,
Commissioner, Bilaspur Divn., and
Arbitrator.

In pursuance of Government of India Ministry of Labour and Employment Order No. 8/147/64/LR-II, dated 8th July 1965, published in the Gazette of India dated 17th July 1965 under S.O. No. 2068, arbitration proceedings were started in respect of the dispute existing between the North Jhagrakhand colliery, district Surguja, Madhya Pradesh, and their 215 workmen represented by the Madhya Pradesh Koyla Mazdoor Panchayat, P.O. Kurasia colliery, district Surguja, in the third week of July, 1965. The first hearing was held at Manendragarh on 26th July 1965 when a memorandum relating to the dispute was submitted by the General Secretary of the M.P. Koyla Mazdoor Panchayat, in duplicate. A copy of this was supplied to the Manager of the North Jhagrakhand colliery who submitted a written statement on behalf of the Management of the colliery on 11th August, 1965. The final hearing of both the parties was held on 10th September, 1965 at Manendragarh when the Secretary of the M.P. Koyla Mazdoor Panchayat filed a written reply to the statement of the Management of the colliery dated 8th August, 1965. The statements of both the parties were examined together with copies of documents filed with the statements and the parties heard in full on all the points involved in the dispute.

2. The North Jhagrakhand colliery had a total strength of 1792 workers in the beginning of September 1964, out of which 516 were employed as miners and loaders, 239 being mostly residents of Madhya Pradesh and 277 recruited through Gorakhpur Labour Organisation. The number of workers with which this arbitration case is concerned is 215 out of the 237 local labour.

3. It would be necessary to indicate briefly the background of the differences between the group of workers numbering 215 who may be called the Bilaspuri group and the Management of the North Jhagrakhand colliery in order to appreciate in the proper perspective the issues involved in the dispute.

4. The differences can be logically traced to the dissatisfaction arising from the terms of the agreement reached between the Management of the Jhagrakhand Collieries Private Limited and the M.P. Colliery Workers Federation in January 1963 in full settlement of all pending disputes arising out of the implementation and interpretation of the Korea Award. As a result of the joint application made by both the parties, the Supreme Court of India disposed of the pending

appeal, taking on record the memorandum of agreement and decreeing in accordance with the terms of the agreement. It would appear that the compromise came as an anti-climax to the great expectations raised sedulously in the minds of the workers by the leaders of the M.P. Colliery Workers Federation that they would be able to secure for the workers a sum of Rupees forty to fifty lakhs in respect of the disputes which were then pending before the Supreme Court. The compromise effected by the M.P. Colliery Workers Federation gave rise to a chain reaction of discontent among the workers which led to the splintering of the Federation itself and the setting up of a rival Union which was affiliated to the United Trade Union Congress.

5. According to the terms of the agreement a sum of Rs. 50,000 out of the lump sum of Rupees five lakhs was to be paid to the Welfare Fund of the M.P. Colliery Workers Federation by the Management and the balance amount of Rupees 4½ lakhs to be distributed to the workmen in three instalments falling on the 1st March 1964, 1st July 1964 and 1st March 1965. The Federation was required to prepare a list of workers entitled to payment in consultation with the Management so that the Management could effect payment in accordance with this list. It has been brought out in the report of the Commissioner, Bilaspur, on the fact-finding enquiry conducted by him into the firing incident at Jhagrakhand on 20th September 1964, to which attention has been invited by the General Secretary of the M.P. Koyna Mazdoor Panchayat that certain irregularities were committed by the office bearers of the M.P. Colliery Workers Federation in the distribution of the first instalment of Rs. 2.25 lakhs in July 1964. It is fairly clear from the facts urged before me by the General Secretary of the M.P. Koyna Mazdoor Panchayat, which could not be rebutted by the Management, that the M.P. Colliery Workers Federation made use of the opportunity conferred on them for the preparation of the list of workers eligible for the Award, to show undue favour to the members of the Federation. When the M.P. Colliery Workers Federation issued printed pamphlets calling upon all the workers of the three collieries of the Jhagrakhand group to submit applications to the M.P. Colliery Workers Federation stating the particulars of their claims, the Bilaspuri group of miners who belonged to the U.T.U.C. Union did not apply to the M.P. Colliery Workers Federation, on the advice of the General Secretary of the U.T.U.C. Union. Their applications were collected by the General Secretary of the U.T.U.C. Union who sent them to the Regional Labour Commissioner (Central) Jabalpur, with the request that payments should be made to those workers by an independent scrutiny of their claims since they were not the members of the M.P. Colliery Workers Federation and did not want to prefer their claims to this body. The Regional Labour Commissioner, however, forwarded these applications to the M.P. Colliery Workers Federation who appear to have insisted on the concerned workers approaching the local office of the Federation to enlist their claims for receiving payment. This circuitous procedure delayed matters considerably and the eligible members of the Bilaspuri group did not receive any payments, while all the eligible members of the M.P. Colliery Workers Federation received their share and some of them much more than what was due to them. It has also emerged from the fact-finding report of the Commissioner, Bilaspur, that the local branch of the M.P. Colliery Workers Federation insisted on the workers becoming members of the Federation as a condition precedent to the inclusion of their claims for the purpose of payment. They also did not frame any detailed schemes for apportionment of the amount but adopted some ad hoc and arbitrary criteria for the purpose. The irregularities committed by the M.P. Colliery Workers Federation caused great dissatisfaction in the labour force of the collieries. It would appear that the names of eligible workers of the Bilaspuri group had been excluded from these lists and their resentment, therefore, was acute. After payments were completed in July 1964 according to the prepared lists and when the Bilaspuri group of miners approached the M.P. Colliery Workers Federation, they appear to have induced them to become members of the Federation by paying membership fee and promised to help them to get their dues within a short period. This promise was, however, not kept by the M.P. Colliery Workers Federation.

6. The Bilaspuri group thus became disillusioned with both the Unions and also with the Management whom they suspected to have countenanced the commission of the irregularities without any protest or active intervention to set things right. The resentment and suspicion of the Bilaspuri group of miners primarily against the M.P. Colliery Workers Federation and obliquely against the Management of the collieries for their apparent failure to get their genuine grievances redressed made them drift into a mood of desperation in which they resolved to seek redress independently by adopting in the first instance a go-slow policy from the 23rd August 1964 and subsequently a strike from the

21st September 1964. A few members of the group presented on 4th September 1964 a memorandum to the Manager of the North Jhagrakhand colliery listing nine demands the foremost of which was the proper payment of the amount which was due to them in terms of the settlement, referred to earlier.

7. The Management replied to the notice pointing out that the notice was illegal as it was not presented through a recognised Union or an accredited representative and also drawing the attention of the Bilaspuri group to the fact that the go-slow procedure adopted by them is in contravention of the terms of the Industrial Peace Agreement (which the Management of the Jhagrakhand collieries had arrived at with the M.P. Colliery Workers Federation in September, 1960 before the Conciliation Officer (Central), Jabalpur). The workers refused to take delivery of the reply by the Management but held frequent meetings amongst themselves and led by a number of their leaders strengthened their resolve to press the Management to accede to their demands. Persons who did not resort to go-slow tactics were approached, persuaded and intimidated. As propaganda gained momentum, the willing workers of the colliery became apprehensive and reported the developments to the colliery Management who, in turn, brought them to the notice of the District authorities.

8. Considering the gravity of the situation the District authorities decided to arrest 26 trouble makers under sections 107/117 Cr. P.C. as a preventive measure. When these miners were being taken in a truck to Manenragarh at about 4 p.m. on 20th September 1964, a turbulent group of miners and their women-folk attacked the police officers on duty and the Company's officials. They indulged in heavy pelting of stones resulting in serious damage to office-building, furniture, vehicles, etc. and several persons were injured. When the situation went beyond control, the police were forced to open fire resulting in the death of three persons. Immediately after the above incident, the District Magistrate promulgated section 144 Cr. P.C. at North, South and West Jhagrakhand collieries. On 21st September 1964, out of the 239 local miners, only 21 reported for work and the remaining 218 struck work. The strikers with their wives and children assembled in front of the incline mouth on 21st September 1964 to block the passage of other willing workers. The District Magistrate persuaded the assembly to disperse and the strikers were advised to go to work. They, however, pleaded that they would resume work only if their 26 leaders were released. On 22nd September 1964 the Conciliation Officer (Central), Jabalpur, arrived at the colliery and on a request by the Management, the Conciliation Officer, the Labour Inspector and the Sub-Divisional Magistrate contacted workers at the colliery to persuade them to resume work. On their insistence that they would not resume work unless their leaders in jail were released the officers met the ring leaders in Baikunthpur jail and tried to persuade them to join work. On the assurance that as soon as they were released, all the miners would go to work, seven persons were released on 23rd September, 1964 and the remaining 19 on 25th September 1964. The miners, however, continued their strike going back on their assurances on the 25th September 1964.

9. On 25th September 1964, Shri Jamuna Prasad Shastri, leader of the Praja Socialist Party of the Legislative Assembly, addressed a public meeting at Manenragarh and harangued the miners, championing their cause. Out of the 12 strikers who had reported to work in the first shift on 25th September 1964, 9 of them again joined the strike from 26th September 1964, thus bringing the total number of strikers to 215. A detailed enquiry was made into the causes of police firing on 20th September 1964 by the then Commissioner, Bilaspur, from 29th September 1964 to 3rd October 1964. Subsequently, proceedings were initiated against 42 persons under various sections of the I.P.C. for rioting and other cognisable offences.

10. On 7th October, 1964, the Management made an application before the Regional Labour Commissioner (Central), Jabalpur, to get the above strike declared illegal. The Regional Labour Commissioner held in his judgment dated 2nd November 1964 that the strike by the 215 miners was illegal inasmuch as the strike has been launched in breach of section 22(1) of the Industrial Disputes Act as a proper notice as required thereunder read with rule 71 of the Industrial Disputes (Central) Rules and Form L appended to these Rules for the purpose of launching a strike in the colliery, a public utility service, had not been served. He, however, rejected the application of the Management dated 23rd October 1964 under para 8(1) of the Coal Mines Bonus Scheme for the continuance of the strike by the 215 miners during the period October to December 1964, to be declared as illegal, on the ground that the application dated 23rd October, 1964 was not made within thirty days of the commencement of the strike and, therefore, was barred by limitation. This decision of the Regional Labour Commissioner has not been

appealed against and has, therefore, become final in respect of the Bilaspuri group of workers.

11. When the miners did not report to work even by the end of November 1964, individual notices were issued to each of the workers on 30th November, 1964 pointing out that they have been on illegal strike from 21st September, 1964 and that since there was no indication from them of their intention to work any more, it would be presumed that they were not interested to work any more and their names would be struck off the rolls if by the 10th December 1964, they did not present themselves for work. Since the strikers neither resumed work by the stipulated date nor sent any reply to the Management's notice, their names were struck off the rolls by the Management.

12. At the instance of the Regional Labour Commissioner who visited Jhagrakhand on 17th December 1964, the Management agreed to keep the door open for resumption of work by the strikers till 31st December 1964.

13. On 13th January 1965, Shri R. L. Malaviya, Union Deputy Labour Minister, visited the colliery and tried to persuade the workers to resume work, but they were not in a mood to accept his advice and continued to remain absent from duties. Meanwhile, on 2nd January 1965, a branch of the M. P. Koila Mazdoor Panchayat was set up at the Jhagrakhand collieries and the General Secretary of the Panchayat informed the Management that some 500 workers had enrolled themselves as members of the Panchayat till then and that their number was increasing day by day.

14. In the third week of January 1965, the Bilaspuri group of workers along with members of their family marched on foot to Bhopal to represent their grievances to the Chief Minister Madhya Pradesh, and returned from Bhopal on 13th February 1965.

15. On 15th February 1965, Government of Madhya Pradesh issued instructions to the District Magistrate, Surguja, to withdraw with the consent of the court the prosecution proceedings against 41 miners in the criminal cases pending in the court of the Judge Magistrate, Ambikapur.

16. On 9th April 1965, the State Government sanctioned payment of *ex-gratia* grant to the dependents of the three persons who were killed in the police firing at Jhagrakhand.

17. The General Secretary of the M. P. Koila Mazdoor Panchayat approached the North Jhagrakhand colliery Management on 9th April 1965 with the request to allow the 215 miners of the Bilaspuri group to resume their duties. The Management expressed their regret that they were unable to do so as they had made alternative arrangements in the place of those who had refused to return to work.

18. On 12th April 1965, the General Secretary of the M. P. Koila Mazdoor Panchayat, served a notice declaring their intention to launch a peaceful picketing from 30th April 1965 urging the demand that the workers should be allowed to resume their duties with full wages for the period of their idleness. The agreement to refer the case to arbitration was the ultimate outcome of the correspondence between the two parties in respect of this demand.

19. 77 miners among the Bilaspuri group took the payments of their share of the Award amount in the months of April and May 1965.

20. It is against this factual background that an evaluation of the relative merits of the points of view of the two parties involved in the dispute is to be made, in order to give an Award in this arbitration case. The specific issues which form the subject-matter of the arbitration case are as follows:—

(1) Whether the demand of the M. P. Koila Mazdoor Panchayat for re-employment of 215 persons (as per list published) with full wages for the period of their idleness is justified;

and

(2) If so, to what extent.

21. It has been argued before me on behalf of the Management that the M. P. Koila Mazdoor Panchayat has no *locus standi* in relation to this dispute for the reason that the first approach to the Management by the General Secretary of the Panchayat requesting for resumption of work by the Bilaspuri group of

workers was made on 9th April 1965, which is more than four months after 10th December 1964, the last date notified for resumption of work by strikers, lest it should be presumed that they were not interested to work any more. In the notice issued by the Management it was made clear that their names would be struck off from the colliery muster rolls after 10th December 1964. It is further contended that the two registered Trade Unions, namely, the M. P. Colliery Workers Federation and the Azad Koyla Shramik Sabha, which were functioning in the colliery for a number of years had exhausted all their efforts to persuade them to resume work and had failed. The Management had expressed their inability to re-open the issue on the ground that they had made alternative arrangements for work by recruiting new miners.

22. The General Secretary of the M. P. Koyla Mazdoor Panchayat pointed out that the branch of the Panchayat was set up in the first week of January 1965 and had intimated the fact of their having on their rolls about 500 members as early as 2nd January 1965 and that it took some time for them to get fully acquainted with the labour trouble in the North Jharkhand colliery and that the delay in pressing the demand for the re-instatement of the Bilaspuri group was on account of their pre-occupation with the efforts to approach the Chief Minister of Madhya Pradesh in regard to the withdrawal of all the criminal cases pending against a number of workers of the colliery arrested in connection with the flare up on the 20th September 1964.

23. The present dispute which is the subject-matter of arbitration is in relation to the re-employment of the Bilaspuri group of workers which was demanded for the first time by the M. P. Koyla Mazdoor Panchayat and, in furtherance of which demand, the M. P. Koyla Mazdoor Panchayat were prepared to launch peaceful picketing. The agreement to get the dispute settled by arbitration was in consequence of the demand of the M. P. Koyla Mazdoor Panchayat. The Management has, in other words, clearly recognised the fact that such a dispute exists between the M. P. Koyla Mazdoor Panchayat and the Management before it agreed to the arbitration of the dispute by me. To challenge the *locus standi* of the M. P. Koyla Mazdoor Panchayat at this stage in relation to the dispute would amount to going back upon the positive commitment made by the Management to have the dispute subjected to arbitration by me. I, therefore, come to the conclusion that the contention by the Management that the M. P. Koyla Mazdoor Panchayat has no *locus standi* is untenable.

24. Now, coming to the specific issue involved in the dispute, I consider that the first issue can be logically split into two parts:

(1) Whether the demand for re-employment of the 215 miners is justified; and

(2) If so, whether the demand for full wages for the period of idleness is justified.

25. It has been urged on behalf of the Management that the strike commenced by the Bilaspuri group from the 21st September 1964 has been declared illegal by the Regional Labour Commissioner on 2nd November 1964 and that the Management had issued a notice to all the miners who were on strike advising them to resume work positively by the 10th December 1964 and giving whatever notice was due under the provisions of the standing orders. Even prior to that, notices were issued to them on various occasions urging them to resume work and that the workers have persistently refrained from responding to the notices. Moreover, even after the 10th December 1964, at the instance of the Regional Labour Commissioner (Central), Jabalpur, the Management was agreeable to give yet another opportunity to workers to resume work by the end of December 1964. This was followed by an effort of persuasion by Shri R. L. Malaviya, Union Deputy Labour Minister on 13th January 1965. If the workers were at all keen on resuming work, they could have done so right up to the middle of January 1965, but they remained adamant in their attitude and were in no mood to resume work. The first approach on their behalf by the General Secretary of the M. P. Koyla Mazdoor Panchayat was made only on 9th April 1965 when the Management had already made alternative arrangement and had recruited fresh hands in order to minimise the financial loss arising from the loss in production.

26. In this connection, it was pointed out on behalf of the Management that 125 new miners had to be employed by the colliery from January 1965 onwards to step up the production which had gone down from September to December 1964 owing to the desertion of the Bilaspuri group. The output went down from September 1964 and was between 14317, 16005, 15717, till December 1964. From

this range it went up to 17200 (January), 18054 (February), 18048 (March), 17001 (April) and 17001 (May). Loss in production to the Company on account of illegal strike from September 1964 to December 1964 was to the tune of 1661 tonnes, which in monetary terms at the rate of Rs. 26/- per ton amounts to Rs. 2,77,186/-.

27. The following considerations were urged on behalf of the Bilaspuri group:—

(1) The strike was declared illegal by the Regional Labour Commissioner in his judgment dated 2nd November 1964, only within the meaning of section 24(1)(1) of the Industrial Disputes Act, that is, on the ground that a proper notice as required under the rules had not been served.

(2) The Bilaspuri group of miners were discriminated against by the M. P. Colliery Workers Federation in the matter of distribution of the Award amount, and being disillusioned with the two registered Trade Unions sought on their own accord to voice their grievances in such a manner as to arrest the attention of the Management and the authorities. This was the motive behind their proposal to proceed on strike from the 21st September 1964. The Management who were fully aware of the fact that certain irregularities have been committed by the M. P. Colliery Workers Federation, instead of interceding on behalf of the Bilaspuri group of workers to redress their grievances, treated the agitation as purely an attempt to disrupt the peace and sought police assistance to quell the strike. In brief, the Management converted what was originally a purely industrial dispute into a law and order problem to cloud the issue.

(3) The inability on the part of the strikers to resume work when notices were served on them by the Management after getting the strike declared illegal by the Regional Labour Commissioner was on account of the fact that many of their leaders were being prosecuted for criminal offences and the apprehension regarding insecurity was so deep-rooted and widespread that they were incapable of taking any decision for themselves until the release of their leaders.

(4) The Madhya Pradesh Government have taken a sympathetic view of the circumstances of the case in ordering withdrawal of the criminal cases pending against 41 persons of the Bilaspuri group and have also paid ex-gratia compensation to the dependents of the three persons killed in the firing incident. It would be only in the fitness of things if the Management would also treat the past episode in the same sympathetic manner in which the Government of Madhya Pradesh have dealt with it.

28. I have given very careful consideration to the points of view expressed on behalf of both the Management and the Bilaspuri group of miners. There is no doubt that the strike was illegal and the method employed by the Bilaspuri group of workers to get their grievances redressed was wrong. There was a deliberate attempt to exert pressure on the colliery Management by creating a tense situation in the colliery and striking fear in the minds of the willing workers by means of threat and intimidation. The outburst of violence on 20th September 1964, cannot be explained away on the ground that the workers were seeking redress of their grievances, but the Management deliberately converted the situation into one involving law and order. At the same time, if the events are viewed dispassionately in the proper perspective, it would be seen that the genesis of the trouble was the genuine grievances of the Bilaspuri group of workers who had every reason to believe that they were being discriminated against by the M. P. Colliery Workers Federation. According to the terms of the agreement regarding the payment of the lump sum of Rupees Five Lakhs, the M. P. Colliery Workers Federation was required to prepare a list of workers entitled to payment, in consultation with the Management. The Management, therefore, cannot altogether absolve themselves from the charge that they surrendered the entire responsibility to the local leaders of the M. P. Colliery Workers Federation in the matter of preparation of the list without going into the basis of calculation of the quantum of Award amount due to individual workers. It was within their knowledge that considerable dissatisfaction was brewing among the workers and the Bilaspuri group was getting restive and desperate over the distribution of the first instalment of the Award amount. In other words, no positive effort was made by the Management to resolve the grievances of the Bilaspuri group of workers which would have perhaps prevented the ugly developments culminating in the outburst of violence on the 20th September 1964 and the firing incident.

29. It has to be remembered that the Bilaspuri group of 215 miners are illiterate and ill-informed and were a desperate group, disillusioned with both the registered Trade Unions and with the Management. Their outrageous behaviour on the 20th September 1964 is to be correctly described as a mob fury sparked

off by the arrest and removal of their leaders from their midst and the hysterical screams of women who were removed physically by the police to clear the way for the truck carrying the arrested persons. A sympathetic view of the events has already been taken by the Government of Madhya Pradesh in withdrawing the cases pending against the 41 persons and in the payment of ex-gratia grants to the dependents of those who were killed in the firing incident. It is evident that among the workers who were being prosecuted were the leaders who led this disgruntled and illiterate group of workers during the period immediately preceding the September episode when the leaders of the two registered Trade Unions ceased to have any hold on them. The immediate pre-occupation and the sore distraction of this group of workers after the arrest of the 41 persons and the initiation of criminal proceedings against them was to seek ways and means to get these persons released. In this plight they sought the assistance of outside leadership and then undertook a journey to Bhopal to seek the intervention of the Chief Minister on behalf of the workers who were being prosecuted for their involvement in the disruption of peace in the colliery on the 20th September 1964.

30. There is an element of truth in the assertion that the Bilaspuri group were labouring under fear and frustration during the months of October 1964 to January 1965. It was only after the withdrawal of cases pending against the 41 persons that they were brought to a sense of sanity and a realisation of the fact that they have forfeited their legal claim for resumption of work by not responding to the various notices issued by the Management from time to time and the final notices issued to them after the strike was declared illegal by the Regional Labour Commissioner. There is no doubt that the workers of the Bilaspuri group were not amenable to persuasions during this period (from October 1964 to January 1965) and that they remained adamant and intransigent as a group in order to present a united front to demand the release of the 41 workers.

31. It is relevant to mention that the Management also did not proceed against the Bilaspuri group for individual misconduct under the standing orders. The rationale for striking their names off the muster rolls was the presumption that the workers were no longer interested to resume work. As a public utility service, however, the colliery cannot keep the posts vacant for an indefinite period as the Management have inevitably to consider the loss in production arising from the persistent absence from duty of as many as 215 workers. Nevertheless, it is significant that the Management kept the position fluid right up to 13th January 1965 when the Union Deputy Labour Minister visited the colliery and made a personal effort to persuade the Bilaspuri group of miners to resume work.

32. The basic fact is that these 215 miners of the Bilaspuri group are permanent employees of the colliery who have several years of service to their credit, as per details given below: —

<i>Length of service</i>	<i>No. of workers.</i>
(1) Over 10 years	— 33
(2) Over 7 years and below 10	— 84
(3) Over 5 years and below 7	— 61
(4) Over 3 years and below 5	— 33
(5) Below 3 years	— 4
	<i>TOTAL</i> — 215

33. In order to arrive at a fair and equitable decision, the totality of circumstances and the cumulative progression of events have to be taken into account and viewed dispassionately. In the light of the analysis given in the foregoing paragraphs, I come to the conclusion that the dissatisfaction of the Bilaspuri group arising out of the discrimination against them was genuine, that it was a desperate bid to get their grievances redressed that hurtled them into the grievous mistake of bringing pressure through intimidation and show of violence, and that the incidents of the 20th September 1964 and their prolonged absence from duty should not be held against them as a permanent barrier to their re-employment, having regard to the fact that they have spent several years of their prime in the arduous and dangerous occupation of mining and that the miners and their families have suffered extra-ordinary privations for several months. My finding,

therefore, is that their demand for re-employment is justified, now that the atmosphere of insecurity has been cleared and conditions conducive to re-absorbing them have been established. I, therefore, hold that the demand of the M. P. Koyla Mazdoor Panchayat that the 215 miners of the Bilaspuri group should be re-employed is justified.

34. I shall now deal with the allied issue "whether the demand for full wages for the period of idleness is justified". The service conditions of the colliery workers are governed by the certified standing orders of the collieries. Under rule 23 of the standing orders, the Management is required to give only one week's notice to weekly paid employees to terminate their service. In the case of the Bilaspuri group of miners, the notice issued by the Management to each individual worker—No. M/J/1058, dated 30th November 1964/1st December 1964 stipulating the 10th December 1964 as the last date for resumption of work, is sufficient legal notice to strike off their names from the colliery muster rolls. The collieries are a public utility service and the strike of the Bilaspuri group of workers was declared illegal by the judgment of the Regional Labour Commissioner (Central), Jabalpur. In the circumstances, it is clear that the Bilaspuri group of workers have forfeited their claim for re-instatement with wages for the period of idleness by their failure to resume work before the 10th December 1964, coupled with their failure to reply to the notice served on them individually. No colliery can be reasonably expected to forego production for an indefinite period and the Management of the colliery was, therefore, justified in making alternative arrangements after exhausting their efforts to persuade the workers to resume work, in order to minimise loss in production. I, therefore, come to the conclusion that the demand for full wages for the period of idleness of the Bilaspuri group of workers is not justified.

35. The second issue "if so, to what extent" is directly connected with the question of payment of wages during the period of idleness. It was argued on behalf of the Bilaspuri group that in a number of strikes that took place in the past in the collieries of Surguja district, workers were permitted to resume work after the end of the strike on payment of full wages. This assertion has no relevance for the important reason that each dispute has to be considered on its own merits. I have already come to the conclusion that the demand for payment of full wages is not justified. In a production oriented public utility service, wages have a correlation always with production. If loss of production results from the absence from work of a group of workers numbering 215 engaged on an illegal strike, it is obvious that the loss in production has to be taken into account. It will, however, be fair and equitable if credit is given to them for the past services they have put in for all purposes other than payment of wages in respect of the period of idleness and the period of idleness is regularised in this manner by the Management.

36. On the specific matters in dispute, I give the following award:—

<i>Specific matters in dispute.</i>	<i>Award</i>
(1) Whether the demand of M. P. Koyla Mazdoor Panchayat for re-employment of 215 persons with full wages for the period of their idleness is justified.	Only demand for re-employment is justified.
(2) If so, to what extent.	Demand for wages for any part of the period of idleness is not justified. Credit should be given to the 215 workers for the past services they have put in for all purposes other than payment of wages in respect of the period of idleness and the period of idleness should be regularised in this manner by the Management.

K. G. S. PISHARODY,
Commissioner, Bilaspur Division and
Arbitrator.

BILASPUR;
The 7th October 1965.

List of 215 Miners of North Jhagrakhand Colliery who staged strike on and from
21st September, 1954.

Name	Name
1. Shri Anjori s/o Dayaram.	68. Shri Horil s/o Bhulau.
2. Shri Atmaram s/o Kandhaiya.	69. Shri Hardin s/o Guddar.
3. Shri Awadhram s/o Kulsai.	70. Shri Hetlal s/o Bindia.
4. Shri Amardas s/o Makhan.	71. Shri Hirawan s/o Basahoo.
5. Shri Bhurwa s/o Dhajram.	72. Shri Hotram s/o Puriram.
6. Shri Buddo s/o Sarman.	73. Shri Jharoo s/o Ramnath.
7. Shri Bhola s/o Banshi.	74. Shri Jagdeo s/o Seodban.
8. Shri Biswambhar s/o Rудан.	75. Shri Jharoo s/o Nathoo.
9. Shri Bodhan s/o Mahetar.	76. Shri Jethoo s/o Burga.
10. Shri Burga Tali s/o Gayaram.	77. Shri Jitwa s/o Kashiram.
11. Shri Sisram s/o Awadhram.	78. Shri Jhuroo s/o Fulsai.
12. Shri Bhagu s/o Ghashiram.	79. Shri Jharoo s/o Baratoo.
13. Shri Bhagwat s/o Baboolal.	80. Shri Jagnathiya s/o Seoram.
14. Shri Bhukhau s/o Jahoran.	81. Shri Johan s/o Darsan.
15. Shri Bogroo s/o Chain.	82. Shri Jhunau s/o Ghasin.
16. Shri Boseswar s/o Chhota.	83. Shri Jathoo s/o Sahabial.
17. Shri Bodo s/o Siriya.	84. Shri Thangloo s/o Muria.
18. Shri Besahoo s/o Seolal.	85. Shri Jagat s/o Bisun.
19. Shri Bisramdas s/o Jalalahal.	86. Shri Jhaliram s/o Moharsai.
20. Shri Birbal s/o Bhokloo.	87. Shri Jagdeo s/o Ashar.
21. Shri Baliram s/o Pila.	88. Shri Johan s/o Nanki.
22. Shri Bejoyram s/o Rambharosh.	89. Shri Kashiram s/o Ramcharan.
23. Shri Bhuneshwar s/o Tengush.	90. Shri Kulanjan s/o Jagat.
24. Shri Bhaiyalal s/o Bharon.	91. Shri Kamalsai s/o Mahadeo.
25. Shri Bhikhari s/o Sammoy.	92. Shri Kusial s/o Ramautar.
26. Shri Bhukhu s/o Firtoo.	93. Shri Kejoo s/o Samaroo.
27. Shri Bhaiara s/o Dukhoo.	94. Shri Kallyan s/o Ramdayal.
28. Shri Bhagat Ram s/o Fulsai.	95. Shri Kunjram s/o Mangal.
29. Shri Babooram s/o Jahanl.	96. Shri Karam s/o Sadhari.
30. Shri Bazariya s/o Bisnath.	97. Shri Kanhalaya s/o Anandram.
31. Shri Baldoodas s/o Puran.	98. Shri Kusuwa s/o Awadhram.
32. Shri Bodhiram s/o Madho.	99. Shri Kariya s/o Kartik.
33. Shri Chinta s/o Dhajram.	100. Shri Kalkatiya s/o Antram.
34. Shri Chandan Singh s/o Sikhiram.	101. Shri Khilarl s/o Sahalya.
35. Shri Dasharam s/o Bihar.	102. Shri Kuber s/o Ghasiya.
36. Shri Darbari s/o Gambhir.	103. Shri Kartidas s/o Gyandas.
37. Shri Dihoodas s/o Kisun.	104. Shri Kaliram s/o Ghasiram.
38. Shri Dukhaloo s/o Sonau.	105. Shri Kammi s/o Budha.
39. Shri Dhaniram s/o Daulat.	106. Shri Kusoo s/o Moti.
40. Shri Dularsai s/o Jagannath.	107. Shri Kholbahara s/o Jogat.
41. Shri Darashram s/o Rama.	108. Shri Khushilal s/o Chamroo.
42. Shri Dhirasai s/o Shikari.	109. Shri Kausaldas s/o Bisali.
43. Shri Deoprosad s/o Paitoo.	110. Shri Lakhian s/o Rудан.
44. Shri Dauwa s/o Sobhrai.	111. Shri Lachhiman s/o Gokul.
45. Shri Dhaniram s/o Kupjram.	112. Shri Lachhiman s/o Ramai.
46. Shri Deoraj s/o Korhiya.	113. Shri Lalla s/o Rampat.
47. Shri Dasharam s/o Baheoram.	114. Shri Laljee s/o Narayan.
48. Shri Deonarayan s/o Kunjram.	115. Shri Lerhwa s/o Dhodhwa.
49. Shri Darshoodas s/o Koprahadas.	116. Shri Lachhman s/o Khabhanri.
50. Shri Etwari s/o Dayaram.	117. Shri Lacchiram s/o Baijnath.
51. Shri Fatoo s/o Jharoo.	118. Shri Latel s/o Chaitoo.
52. Shri Firta s/o Piloo.	119. Shri Lautoo s/o Chhangoo.
53. Shri Fagundas s/o Nankidas.	120. Shri Mahadeo s/o Antram.
54. Shri Fulsingh s/o Shyamal.	121. Shri Mahattar s/o Ramnath.
55. Shri Fuldas s/o Samaroo.	122. Shri Mohanlal s/o Ramnath.
56. Shri Gondial s/c Soonandan.	123. Shri Mangloo s/o Ramnath.
57. Shri Ganesh s/o Udeyram.	124. Shri Moharsai s/o Dulari.
58. Shri Genda s/o Hirasai.	125. Shri Mangloo s/o Pila.
59. Shri Garibdas s/o Mahant.	126. Shri Mukunda s/o Asharam.
60. Shri Gondram s/o Bhuneswar.	127. Shri Mansai s/o Hirasal.
61. Shri Govind s/o Johan.	128. Shri Mangalia s/o Chhabbo.
62. Shri Gokul s/o Lachhman.	129. Shri Mahekkadas s/o Bharoshdas.
63. Shri Ganesh s/o Panchoo.	130. Shri Malikdas s/o Dashrath.
64. Shri Horigopal s/o Dhajrami.	131. Shri Markandey s/o Ramsarup.
65. Shri Hiralal s/o Dhajrami.	132. Shri Muniram s/o Khedoo.
66. Shri Holsai s/o Dubraj.	133. Shri Motiram s/o Madho.
67. Shri Hiralal s/o Dharmoo.	

Name	Name
134. Shri Manhodhi s/o Karlya.	175. Shri Ramprosad s/o Kartik.
135. Shri Moharsai s/o Puran.	176. Shri Ramdin s/o Dhokha.
136. Shri Mahadeo s/o Bodhoo.	177. Shri Ramkisun s/o Kuhu.
137. Shri Nanki s/o Bhakloo.	178. Shri Ramanand s/o Sadhran.
138. Shri Nankun s/o Burga.	179. Shri Sonoo s/o Pusau.
139. Shri Nanki s/o Paharoo.	180. Shri Sitaram s/o Topiram.
140. Shri Nandram s/o Panchram.	181. Shri Secprosad s/o Dhirsai.
141. Shri Nanka s/o Dakhal.	182. Shri Sobhnath s/o Pila.
142. Shri Nathoodas s/o Ghasidas.	183. Shri Sukhram s/o Hirawan.
143. Shri Pukram s/o Hardiha.	184. Shri Seolal s/o Balsamund.
144. Shri Punadas s/o Sukhram.	185. Shri Shankar s/o Bhimma.
145. Shri Premsal s/o Gaunjhoo.	186. Shri Shobnath s/o Rambal.
146. Shri Padarao s/o Lamal.	187. Shri Samaisingh s/o Nirvey.
147. Shri Pardeshi s/o Tijau.	188. Shri Sahashram s/o John.
148. Shri Pukloo s/o Gariba.	189. Shri Seolal s/o Sadhram.
149. Shri Puriram s/o Charan.	190. Shri Shyamal s/o Dharmco.
150. Shri Panchram s/o Salik.	191. Shri Sonau s/o Ratiram.
151. Shri Patiram s/o Burga.	192. Shri Shyamal s/o Etwari.
152. Shri Panchram s/o Nankoo.	193. Shri Samey singh s/o Baudhi.
153. Shri Parashram s/o Bhikhari.	194. Shri Samaroo s/o Milan.
154. Shri Puriram s/o Tiharoo.	195. Shri Sukhdeo s/o Bala.
155. Shri Paharoo s/o Kunjal.	196. Shri Seodayal s/o Sukroo.
156. Shri Parau s/o Thandaram.	197. Shri Surit s/o Ganesh.
157. Shri Prahlad s/o Tirathram.	198. Shri Samaroo s/o Maniram.
158. Shri Rusuwa s/o Mangroo.	199. Shri Sukhram s/o Chhatoo.
159. Shri Rampiyare s/o Rajaram.	200. Shri Sampat s/o Gotalya.
160. Shri Ramdas s/o Sambhoo.	201. Shri Samodas s/o Chalta.
161. Shri Reshamal s/o Ganesh.	202. Shri Sobhaiya s/o Samalia.
162. Shri Ramnath s/o Dindayal.	203. Shri Sonko s/o Bhukloo.
163. Shri Ramsai s/o uria.	204. Shri Thaloo s/o Buchnoo.
164. Shri Rama s/o Durga.	205. Shri Themani s/o Manuwa.
165. Shri Ramlal s/o Tiharoo.	206. Shri Tiharoo s/o Bhukloo.
166. Shri Ramdas s/o Sukhalat.	207. Shri Tiharoo s/o Tarki.
167. Shri Rameswar s/o Seodhar.	208. Shri Top singh s/o Ram singh.
168. Shri Ramadhar s/o Awadhram.	209. Shri Tishal s/o Dukhoo.
169. Shri Ramratan s/o Tiharoo.	210. Shri Thangani s/o Barsati.
170. Shri Ramsai s/o Besahoo.	211. Shri Udairam s/o Dhajrami.
171. Shri Ratandas s/o Awadhram.	212. Shri Udairam s/o Sahasram.
172. Shri Rupcharan s/o Bhau.	213. Shri Upashram s/o Nanki.
173. Shri Ramadhin s/o Rampat.	214. Shri Bahorsai s/o Rajaram.
174. Shri Rajaram s/o Dular.	215. Shri Rajaram s/o Dakhal.

[No. 8/147/64-LRIL.]

New Delhi, the 20th October 1965

S.O. 3374.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay in the industrial dispute between the employers in relation to Messrs D. D. Contractor & Company Private Ltd., and their workmen, which was received by the Central Government on the 1st October, 1965.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT
BOMBAY**

REFERENCE No. CGIT 41 OF 1964

Employers in relation to M/s. D. D. Contractor & Co. Pvt. Ltd.

AND

Their Workmen.

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

For the employers.—Messrs. D. D. Contractor & Co. Pvt. Ltd., Shri M. V. Phadke Advocate, with Shri S. S. Chiniwala, Advocate, and Shri D. K. Contractor.

For the workmen.—Shri R. Pandit and Shri W. T. Pinto, Assistant Secretary and Secretary respectively of the Transport & Dock Workers' Union.

Dated at Bombay, this 29th day of September, 1965

INDUSTRY: Concerning a major port.

STATE: Maharashtra.

AWARD

1. On a joint application of the parties, the Central Government, by the Ministry of Labour & Employment's Order No. 28/13/64/LRIV, dated 25th March, 1964, made in exercise of the powers conferred by sub-section 2 of section 10 of the Industrial Disputes Act, 1947 (Act XIV of 1947), was pleased to refer the industrial dispute between the parties above-named in respect of the following subject-matters specified in the said Order, to me for adjudication:—

"(1) The following rates of wages should be paid to the workmen concerned for handling Manganese-ore or iron-ore:

- (a) For the purposes of unloading manganese-ore or iron-ore from the wagons they should be paid at the rate of Rs. 2/- per ton.
- (b) They should be paid Rs. 3/- per ton for loading the manganese-ore or iron-ore into the wagons and Rs. 4/- per ton for loading lorries.
- (c) They should be paid extra wages for the purposes of carrying the ore beyond a reasonable limit or for the purposes of trimming or stacking ores at the plots. Similarly they should be paid at 1½ times their normal rates if the ore is directly transferred from wagon to wagon or from wagon to lorry.

(2) All the workmen should be granted benefits of Minimum guaranteed wages as well as attendance allowance on the same lines as is done in the case of registered stevedore workers under the provisions of Bombay Dock Workers' (Regulation of Employment) Scheme 1956.

(3) All the manganese ore workmen should be granted not less than 20 festival holidays. The said festival holidays should be decided in consultation with the workmen and the Union before the commencement of the year.

(4) If the workmen are called upon to work on Sunday or on a festival holiday, each of them should be paid at the double the rate of their normal wages for such work.

(5) All the workmen should be granted one month's Privilege leave with pay; 10 days' sick leave with pay, and 12 days' casual leave with pay every year. They should be allowed to accumulate their privilege leave to the extent of 120 days and Sick leave to the extent of 90 days.

(6) Each workmen should be paid four months' total wages as yearly bonus for the years 1961-62 and 1962-63.

(7) The management should agree to start contributory Provident Fund Scheme and also grant the benefits of Gratuity to the concerned workmen on the same lines as is done by the Bombay Port Trust and the Bombay Dock Labour Board.

(8) The payment of wages to the workers should be made fortnightly."

2. After the parties had filed their written statements and the dispute had been taken up for hearing, at a late stage of the proceedings the employers argued a preliminary objection against the maintainability of this reference. The ground urged was that this reference was invalid and illegal and this Tribunal had no jurisdiction to adjudicate on this dispute as the Central Government was not the appropriate government in respect of this dispute under 2(a)(i) of the Industrial Disputes Act, 1947 (Act XIV of 1947) as the employers were not carrying on any business "concerning a major port". A similar objection was raised by some of the employers doing a similar business of handling manganese-ore and iron-ore in another reference, being Reference No. CGIT 46 of 1964, in which case the same submissions were urged as were urged by Shri N. V. Phadke the learned Advocate for the employers in this case. By my order dated 21st July, 1965, I rejected this objection of the employers, and held that the employers herein are doing business concerning a major port, and therefore, the Central Government was the appropriate government for the purposes of this reference, and consequently, the Government Order of Reference herein was valid and proper, and I had jurisdiction to entertain the dispute. Attached hereto and marked Annexure 'A' is a copy of my said order dated 21st July, 1965.

3. I may state that I as informed that the employers in this reference moved the High Court of Bombay by a writ Petition against my said order dated 21st July, 1965, but the petition was not admitted.

4. Thereafter, the parties entered into protracted negotiations, and have filed before me the agreed terms of settlement, to which they have signified their approval on 20th/21st September 1965, a copy of which is annexed hereto and marked Annexure 'B'.

5. On an anxious consideration of the demands, the submissions of the parties, and the facts and circumstances of the case, I am satisfied that the terms of settlement provide the least that the employers can be called upon to pay to their workmen in respect of the demands under reference and I, therefore, make an award in terms of Annexure 'B'.

6. I think this is a fit case where the award should be directed to remain in force for a period of two years from the date it comes into operation.

7. No order as to costs.

(Sd.) SALIM M. MERCHANT,
Presiding Officer.

ANNEXURE 'A'

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY

REFERENCE NO. CGIT 41 OF 1964

Employers in relation to M/s. D. D. Contractor & Co. P. Ltd., Bombay.

AND

The Transport and Dock Workers' Union.

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

For the Employers.—Shri N. V. Phadke, Advocate, with Shri S. S. Chiniwala, Advocate, with Shri D. K. Contractor, Managing Director.

For the Transport & Dock Workers' Union.—Shri S. R. Kulkarni, Secretary, with Shri R. Pandit, Assistant Secretary.

Dated at Bombay this 21st day of July, 1965

INDUSTRY: Manganese-ore handling in Bombay Docks.

STATE: Maharashtra.

ORDER

1. The Central Government, by the Ministry of Labour & Employment's Order No. 28/13/64 LRIV dated 25th March, 1964, made on a joint application of the parties above-named, in exercise of the powers conferred by sub-section 2 of section 10 of the Industrial Disputes Act, 1947 (Act XIV of 1947), was pleased to refer the industrial dispute between the parties above-named in respect of the eight subject matters relating to wages and other conditions of service specified in the said joint application of the parties.

2. By this order I am disposing of a preliminary legal objection as to the maintainability of this reference urged by the Employer Company. The Company has contended that this reference by the Central Government is not competent as it is not the appropriate government for the purpose of this industrial dispute under section 2(a) of the Industrial Disputes Act, 1947 (Act XIV of 1947) (hereinafter referred to as the Act) and that consequently, this Tribunal has no jurisdiction to entertain and adjudicate upon this dispute. The grounds on which this objection is sought to be sustained are stated in an application dated 8th December, 1964, filed on behalf of the Employer company by its Director, Shri D. K. Contractor. The main contention is that this dispute is not concerning a major port, which expression occurs in Sec. 2(a) of the Act, which is as follows:—

"In this Act, unless there is anything repugnant in the subject or context:—

(a) "appropriate government" means:—

- (i) in relation to any industry or dispute concerning any industry carried on by or under the authority of the Central Government or by a railway company or concerning any such controlled industry as may be specified in this behalf by the Central Government or in relation to an industrial dispute concerning a banking or an insurance company, a mine, an oilfield, or a major port, the Central Government, and
- (ii) in relation to any other industry, the State Government."

3. Before I deal with this preliminary objection, it is necessary to state that this is a reference under sub-section 2 of section 10 of the Act made on a joint application of the parties Shri Phadke, the learned counsel, for the Company has, I think, contended with justification that the fact that this is a reference under section 10(2) of the Act would not preclude either party from raising a preliminary objection with regard to the maintainability of the reference and the jurisdiction of the Tribunal. He has for that purpose relied upon two decisions of the Industrial Tribunals in Bombay viz. (i) in the case of East of Asiatic Co. (India) (Pvt.) Limited (1960 I LLJ page 383) and (ii) Standard Drum and Barrel Co. (1961 I LLJ page 130) where it was held that it is open to a party to a joint application resulting in Reference under Section 10(2) of the Act to say that what has been referred is not an industrial dispute. There is no doubt now that even after the parties make a joint application for reference under Section 10(2) of the Act, it would be open for one of them to contend that the appropriate government is not the government to whom their joint application was addressed, in this case the Central Government, but some other government, namely the State Government, as contended by this Company.

4. Therefore, I now proceed to deal with the objection which is, as stated earlier, that the reference is not competent, for the reason that the Central Government is not the appropriate government under section 2(a) of the Act. Shri Phadke has conceded that the Bombay Port is a major port, but his contention is that the industry or business carried on by D.D. Contractor and Co. is not an industry concerning the Bombay Port. Now to decide the contention urged it is necessary to briefly indicate the business done by the Employer Company, in order to determine whether their business is concerning a major port or not. If it is, then the reference would be maintainable and if it is not, the reference will fail.

5. Messrs. D. D. Contractor and Company (hereinafter called the Company) is engaged in the work of loading and unloading manganese-ore. This Company is a contractor of the Central Provinces Manganese Ore Company Limited (hereinafter briefly referred to as the "D.C.P.M.O.") which extracts manganese ore from mines owned by it and sends it among other ports, to Bombay by rail for export to foreign countries. Now, the Bombay Port Trust (hereinafter referred to as the "B.P.T.") owns a large piece of land at Reay Road known as the Manganese Depot, which plot is sub-divided into a number of different and distinct plots, each bearing a district number, and having the facilities of railway sidings. The Company claims that these plots fall outside the limits of the dock area and that there are no restrictions regarding either entry or exit in respect of the said piece of land, as is the case with the dock area. The Company claims that the B.P.T. has no interest whatsoever in such plots of land save and except that of lessor, nor has it any interest in any of the operations carried out on those plots; that plots Nos. 1, 2, 3, 9, 12, 15, 15A, 16, and 23 are leased out by the B.P.T. to James Finlay and Co. Ltd., agents in Bombay for the D.C.P.M.O. It is admitted that the manganese ore despatched by the D.C.P.M.O. by rail arrives on any of these plots and the same is unloaded and stacked on the said plots. The management has further stated that when the ship on which the manganese-ore is to be loaded for export arrives in Port, Messrs James Finlay and Co. Ltd., agents for the D.C.P.M.O., book wagons for the purpose of the manganese-ore to be carried into the dock area. The Company has stated that its duty and responsibility consists in unloading and loading the manganese-ore from the railway wagons on any of the plots above-mentioned and that it is in no way concerned or connected with what happens after the manganese-ore is once loaded for export to be transported to the docks; that the work of unloaded for export to be wagons or lorries and loading the same on board the ship is carried out by the B.P.T. and no labour is employed by the Company for these purposes; that the work is uncertain and not available all round the year, that the plot of land leased on the B.P.T. is like any other piece of land in the city of Bombay and the B.P.T. owns several other plots in Bombay which house many buildings and that as the said piece of land is outside the Bombay Dock area, the work of the Company does not concern a major port in any way and the Company's activities in the Dock area.

6. The Secretary of the Union, Shri S. R. Kulkarni, has in his affidavit, stated that the work of unloading and loading manganese ore is an industrial activity concerning the major port of Bombay; that the plots had been allotted by the B.P.T. to the various exporters of manganese-ore and iron-ore the purposes of affording reasonable facilities to the exporters. He has urged that since the ore is earmarked for export from the Port of Bombay, the work undertaken by the Company is in relation to the activities concerning a major port. He has in this connection relied upon the judgement of the Division Bench of the Bombay High

Court in Civil Application No. 1342 of 1955 dated 14th April, 1960, in the case of Tulsidas Khimji versus Jeejeebhoy F. (1961 I LLJ page 42). He has also relied upon the award of the Central Government Industrial Tribunal at Dhanbad (Shri L. P. Dave) in Reference No. C.G.I.T. 14 of 1954; published in the Government of India Gazette dated 26th February, 1955. There is an affidavit in reply to this by Shri D. K. Contractor, Director of the Company, dated 10th January, 1965, in which he has refuted the statements made regarding the use of the B.P.T. plot where the manganese-ore is unloaded from railway wagons and loaded into lorries and railway wagons. He has stated that the whole area is known as the Sewri Factory area, where several other companies have put up their factories there and have the benefit of railway sidings. He has urged that merely because the work of any concern is carried on a plot of land belonging to the B.P.T. (not being demarcated as the Dock Area) and or that a Concern uses the Bombay Port Trust's Railways' Wagons, it does not mean that the Central Government becomes the appropriate government for the purposes of disputes between such Company and its workmen. It has stated that its workmen are not covered by the provisions of the Dock Workers' Regulations of Employment Act, 1948. It has further urged that the decision of the Bombay High Court in Tulsidas Khimji's case is not applicable to the facts of the instant case.

7. Shri Phadke in support of the contention raised by the management has relied upon two decisions, *viz.* the decision of the Division Bench of the High Court of West Bengal in the case of Carlsbad Mineral Mfg. Co. Ltd. vs. P. K. Sarkar and others (1952 I LLJ page 488) and upon the decision of the Judicial Commissioner of Kutch in the case of P. K. Pillai vs. the Burmah-Shell Oil Storage and Oil Distributing Co. of India Ltd., and another (A.I.R. 1926, 1955).

8. In my opinion neither of these two decisions can apply to the facts of the instant case. In the first case of Carlsbad Mineral Mfg. Co. Ltd., the facts were that the East India Railway Administration gave a licence to the Company to sell aerated waters on that railway. An industrial dispute which arose between the Company and its workmen was referred for adjudication by the Government of West Bengal where it was contended by the Company that the appropriate government in the case was the Central Government, and not the State Government, which had made the reference to the State Industrial Tribunal. A Division Bench of the Calcutta High Court (Harris C. J. and Das J.) held that the industry was not carried on by the Central Government, but by the party for its private benefit, hence the reference was properly made by the State Government.

9. In the second case of P.K. Pillai vs. Burmah-Shell Oil Storage and Distributing Co. of India Ltd. and another, the industrial dispute arose between a stenographer and his employer, the Burmah-Shell Oil Storage and Oil Distributing Co. of India Ltd. The workmen alleged that the State Government had failed to make a reference although it should have made one. The State Government contended that the appropriate government in this case would be the Central Government. It was alleged that the Kandla Port had been declared to be a major port by the Government of India by notification dated 29th April 1955, and that the proper government for major ports being the Central Government, the Kutch State Government would have no jurisdiction to make a reference in this case. It was held that the Company may have an office in Kandla Port and may be doing its business there, but any dispute between it and its workmen could not be said to be a dispute relating to a major port. Therefore, it could not be said to be a dispute concerning a major port, and the Central Government could not be the appropriate government in the case.

10. It is clear from the facts of both these cases that these decisions cannot apply to the facts of the present case. In the first case the question was whether the industry was being carried on by or under the authority of the Central Government, and in the second case it was not the case that the business of the Company was concerning an activity of the major port. In the instant case, all the manganese-ore and iron-ore which is received at the B.P.T. Manganese Depot, after being unloaded from the railway wagons is reloaded into wagons or trucks for being taken to the Bombay Docks for export to foreign countries, and it is this activity which relates to or concerns a major port.

11. Shri S. R. Kulkarni for the Union, has on the other hand, relied upon the case of Tulsidas Khimji vs. Jeejeebhoy F. (1961 I LLJ page 42) where a partnership firm carrying on different lines of business was held to be carrying on activities relating to a major port with regard to its (i) Clearing and Shipping, and (ii) Godown departments. The facts of the case were that Tulsidas Khimji was a partnership firm carrying on various kinds of businesses for which it had four departments, *viz.* (i) Clearing and Shipping, (ii) Godown, (iii) Insurance, and (iv) Cotton Supervising and Controlling Departments. The Employer retrenched

some of the employees in the Clearing and Shipping Department and the Godown Department, treating them as distinct and different industrial establishments. These two departments carried on activities relating to a major port. The workmen contended that all the four departments must be treated as one unit for the purposes of applying the provision of Section 25-G of the Industrial Disputes Act, 1947. The Central Government referred the industrial dispute for adjudication to the Central Government Industrial Tribunal (Shri F. Jeejeebhoy). The validity of the reference was sought to be challenged on the ground that the Central Government was not the appropriate government and also on the ground that the reference included workmen employed in other activities not falling in any of the items mentioned in section 2(a) of the Industrial Disputes Act, 1947. Negating the said contention, their Lordships of the Bombay High Court (Shri S. T. Desai J. and Shri V. S. Desal J.) held that the activities carried in the two departments could be said to be concerning a major port, and as the dispute related to retrenchment in these two departments, the Central Government was the appropriate government for making the reference. This judgement is binding upon me, and with respect I agree with the reasoning adopted therein.

12. This Company has in the affidavit of its Director, Shri D. K. Contractor dated 10th January, 1965, and by the submissions made on its behalf at the hearing, contended that the judgement in the case of Tulsidas Khimji is not applicable to the facts of the present case, but I am not satisfied that there is any substance in this contention. It may be that the Company had accepted that the Central Government was the appropriate government in respect of its clearing and forwarding business carried on in the Docks, but the point is that in construing the terms "concerning a Major port", the decision of the Bombay High Court has held it to mean "relating to or concerning the activities of a major port".

13. The expression "concerning a major port" occurring in section 2(a) had also come in for construction in an earlier case before the Central Government Industrial Tribunal at Dhanbad (Shri L. P. Dave) in reference C.G.I.T. No. 14 of 1954, where it was held by the Award dated 7th May 1955 that the work of clearing and forwarding agents in the Bombay Docks is work of an industry connected with work of the Bombay Port. The reasoning of the learned Tribunal was that the activities of clearing and forwarding agents was an industry connected with the work of the Bombay Port, and a strike in the Industry would effect the working in the Docks, and that such clearing and forwarding agents were doing the work of moving goods in the Port, and therefore, they must be held to be doing work concerning a major port. I may say that this judgement of Shri L. P. Dave was approved by Shri F. Jeejeebhoy in the industrial dispute Reference C.G.I.T. No. 2 of 1958 in the case of Messrs Tulsidas Khimji, from which an appeal was filed to the High Court of Bombay, whose judgement has been referred to earlier, as reported in 1961 I LLJ page 42.

14. This test can successfully be applied to the facts of the instant case, as it is admitted that the manganese-ore, after being unloaded at the Manganese Depot from the railway wagons, is loaded into Port Trust railway wagons or wagons provided by the Port Trust, for transport from the Manganese Depot into the Docks for the purposes of loading the ore into ships for export. It is clear that the business of the Company is to help the moving of manganese-ore and iron ore into Bombay Port for export to foreign countries. It is thus an activity connected with the Port of Bombay and its workmen, and in my opinion, it can be deemed as an activity concerning a major port. It may be that the labour employed by Messrs D. D. Contractor and Co. do not actually help to load the ore at the Dock side or into ships which carry the manganese ore into foreign countries, but they unload the ore from the railway wagons when it arrives at the Manganese Depot and reload them into the B.P.T. wagons for being taken into the Docks for export to foreign countries. It is also pertinent to note that the firm of Messrs. D. D. Contractor and Co. are contractors for a foreign exporting company—Messrs James Finlay and Co., Ltd., and that all the manganese ore which is received in the B.P.T.'s plots is carried into the Bombay Docks for the sole purpose of export to foreign countries. This is clearly admitted in para 3(h) of the affidavit of Shri D. K. Contractor where it is stated:—

"when the ship on which the said manganese ore is to be loaded for export arrives in Port, M/s. James Finlay and Co. Ltd., the Agents for the C.P.M.O. in Bombay book wagons in which the manganese ore is to be loaded for the purposes of being carried into the Dock Area".

There is also no doubt that the B.P.T. has provided the facility for unloading the manganese ore and iron ore at the Manganese Depot and for their reloading into the B.P.T.'s wagons and other trucks, which carry them into the Bombay

Docks, because both the manganese-ore and iron-ore is meant for export to foreign countries, and the B.P.T. is otherwise assisting in the quick transport of the manganese and iron ore from the manganese depot into the docks for shipment abroad (see the Trustees Resolution No. 31 dated 5-1-1965 and relevant record thereto filed by Shri S. R. Kulkarni at the hearing on 23-3-1965). These activities would, therefore, be the activities concerning a major port, and any dispute between Employers engaged in this work and their employees would be a Dispute concerning the activity of a major port, for which the appropriate government under section 2(a) of the Industrial Disputes Act, 1947, is the Central Government.

15. Shri S. R. Kulkarni for the Union has also urged that the B.P.T. Manganese Depot forms part of the Port area under the Bombay Port Trust Act, 1879, and also that their workmen would be covered by the definition of the terms Dock Worker as contained in section 2(b) of the Dock Workers' Regulation of Employment Act 1948 (Act IX of 1948) but in view of finding given above I do not think it necessary to go into these contentions. It is, however, not without significance that the Central Wages Board for Port and Dock Workers has included "ore employees at dump or Depot" under Para E1 of its list of categories of Port and Dock Workers covered by the reference to it.

16. For these reasons, I hold that Messrs D. D. Contractor and Co. are doing business concerning a major port, and therefore, for this dispute the appropriate government is the Central Government under section 2(a) of the Industrial Disputes Act, 1947, and the reference is valid and proper, and I have jurisdiction to entertain the same.

(Sd.) SALIM M. MERCHANT,
Presiding Officer.

ANNEXURE 'B'

REFERENCE No. CGIT 41 OF 1964

Employers in relation to Messrs. D.D. Contractor and Company Private Limited.

AND

Their Workmen.

Demand No. 1: Rate of Wages—

In view of the representatives of the Union and the workmen agreeing to accept wage rates which are lesser than those demanded by the Union in this demand, the employers agree to the following rates of wage:—

A. Piece-Rated Payment:

- (a) The employers shall with effect from 1st April, 1964, pay to their workmen 44 Paise per tonne per gang for the unloading-cum-stacking the manganese ore.
- (b) The employers shall, with effect from 1st April, 1964, pay to its workmen 50 Paise per tonne per gang for loading manganese ore into wagons and 59 Paise per tonne per gang for loading the same into lorries.
- (c) The employers shall with effect from 1st April, 1964, pay to its workmen 75 Paise per tonne per gang in case the manganese ore is loaded directly from a wagon or a lorry into wagon or a lorry.

Explanation.—A gang shall consist of minimum 8 workers.

- (d) The arrears, under the previous clause will paid in two instalments, falling due on 31st October, 1965 and 31st December, 1965.

B. Dearness Allowance.

Without prejudice to the contention of either parties with regard to the applicability or otherwise of the recommendations of the Central Wage Board for Port and Dock Workers and although the piece-rated payments are payable to the workmen in question on a weekly basis or a fortnightly basis, as the case may be, D.A. will be payable on a monthly basis on the piece-rated monthly earnings of the

registered workmen. The D.A. will be payable with effect from 1st December, 1964 as follows:—

<i>Piece-rated earnings for the workmen.</i>	<i>Amount of D.A.</i>
Below Rs. 109.	Rs. 20.
Rs. 110 to Rs. 149.	Rs. 32.
Rs. 150 to Rs. 209.	Rs. 30.
Rs. 210 to Rs. 300.	Rs. 38.

Explanation.—Arrears arising out of payment of D.A. will be payable to the registered workmen on or before 31st December, 1965.

As far as the present position regarding the recommendations of the Central Wage Board in respect of interim relief is concerned, the employers will not be under any obligation to pay to the workmen concerned any additional remuneration on account of the said recommendations of the Central Wage Board for the Port and Dock Workers.

Although, there is no demand for D.A. separately referred to adjudication, parties have no objection to divide the total emoluments into two categories viz., Piece-rate and D.A. as long as such total emoluments do not exceed the demand regarding wages as referred.

C. Distribution and Control of Work:

The work of unloading-cum-stacking shall be carried out by the workmen as per orders/instructions of the employers and no wagon shall be normally loaded below 23 tons or above 26 tons in the case of existing type of 20-23 tons cc. wagons. The employers shall distribute the work equitably to the registered workmen in such a manner that available volume of work will gainfully employ the minimum number of gangs for maximum time throughout the day. If the available volume of work is not such as to keep all the workmen in all the gangs busy at least for first shift of 8 working hours and second and third shifts of 6 hours each, the Company shall follow the method of rotation in distribution of the work so that all the registered gangs/workmen may get the available volume of work equitably over a period of time. The workmen not carrying out the orders/instructions of the employers in the matter of work shall be dealt with according to the procedure laid down by law. The Union will continue to co-operate in maintaining discipline.

(2) Minimum Guaranteed Wages and Attendance Allowance:

The demand is not pressed at present by the Union and is withdrawn.

(3) Paid Festival Holidays:

The employer shall grant four festival holidays and the workmen shall be entitled to a payment of Rs. 3 for each holiday. The actual holidays will be decided in the beginning of each calendar year in consultation with the workmen.

(4) Pay for work on Sundays and Holidays:

The employers shall not offer work to the registered workmen and the registered workmen shall not demand work on holidays other than Sundays. If the employer has work which is required to be performed on such holidays, the employers shall be free to engage casual labour for the purpose. In case the workmen are required to work on Sundays they shall be paid wages in accordance with law, if any, applicable in respect of such work.

Leave.—Leave on average pay will be allowed to a workmen at the rate of one-twentieth of the man-shifts worked by him. Leave can be enjoyed only after six months service and average earnings for the purpose of leave will be worked out by dividing the total earnings in the preceding six months by the number of days/shifts worked by the individual workman concerned. The Union does not at present press the demand for casual and sick leave and the same is dropped.

Bonus for the year 1961-62 and 1962-63:

The Union does not press for any additional bonus for the year 1961-1962 to what the employer has already paid. With regard to the bonus for the year 1962-1963 the parties are agreed that the employers shall pay bonus to each registered workman equivalent to 4 per cent of his total earnings.

Existing Rights:

The existing rights and benefits of the employers, apart from this settlement, will not be adversely affected.

Duration of Settlement.

This settlement will remain in force for a period of two years commencing from the date of the publication of the Award.

Approved.

Sd./- D. K. CONTRACTOR.

For D. D. Contractor and Co. Pvt., Ltd.

Sd./-

Secretary,

Transport and Dock Workers' Union.

[No. 28/13/64-LRIV.]

S.O. 3375.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay in the industrial dispute between the employers handling manganese-ore and iron-ore in Bombay Port and their workmen, which was received by the Central Government on 1st October, 1965.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY
REFERENCE NO C.G.I.T. 46 OF 1964**

Employers handling manganese-ore and iron-ore in Bombay Port, namely (1) Messrs. Naurotam and Co., Lalbaug, Bombay-12 (ii) Messrs. S. Fazal and Co., Tank Road, Bombay-33 (iii) Messrs. Jagannath & Company, Sewri, Bombay-15 (iv) Messrs. Babu Brothers, Sewri, Bombay-15 (v) Messrs. S. Vilas and Company, Sewri, Bombay-15 and (vi) Messrs. Jal C. Jamshedji and Company, Sewri, Bombay-15,

AND

Their Workmen

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

For the employers—For Messrs. Babu Brothers and Messrs. S. Vilas and Company, Shri Narayan Shetty, for Messrs. Jal C. Jamshedji and Company, Shri A. T. Joshi; Labour Adviser; and no appearance for Messrs Naurotam and Company, Messrs. S. Fazal and Company and Messrs. Jagannath and Company.

For the workmen—Shri R. Pandit and Shri W. T. Pinto, Assistant Secretary and Secretary respectively of the Transport and Dock Workers' Union.

Dated at, Bombay this 29th day of September, 1965

INDUSTRY: Concerning a major port.

STATE: Maharashtra.

AWARD

1. The Central Government, by the Ministry of Labour and Employment's Order No. 28/21/64/LR IV dated 15th April, 1964, made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Act XIV of 1947), was pleased to refer the industrial dispute between the parties above-named (specified in Schedule I to the said Order), in respect of the following subject-matters, specified in Schedule II to the said Order, to me for adjudication:—

Schedule II

“Whether the following demands of the workmen of employees specified in Schedule I, engage in handling manganese and iron ore in Bombay Port are justified and if so to what extent?

(1) Higher Wages.

- (2) Minimum guaranteed wages and Attendance Allowance.
- (3) Increase of festival holidays.
- (4) Pay for work on Sunday and holidays.
- (5) Increase in privilege leave, sick leave and casual leave.
- (6) Bonus.
- (7) Contributory Provident Fund and Gratuity."

2. After the parties had filed their written statements and the dispute was heard at some length, a preliminary objection was urged on behalf of employers Nos. 4, 5 and 6, viz. Messrs. Babu Brothers, Messrs. S. Vilas and Company and Messrs. Jal C. Jamshedji Ltd. that this reference was not maintainable as the Central Government was not the appropriate government under Section 2(a)(i) of the Industrial Disputes Act, 1947 (Act XIV of 1947)-inasmuch as this dispute did not concern a major port. In support of this contention the same arguments were advanced and supported as were urged by Shri N. V. Phadke, the learned Advocate for the employers in another earlier reference—Reference No. CGIT 41 of 1964—and for the reasons stated in my order dated 21st July, 1965 I rejected the preliminary objection and held that the Central Government was the appropriate government as the dispute was concerning the activities of a major port, and consequently the order of Reference by the Central Government was valid and legal and I had jurisdiction to entertain the dispute.

3. Thereafter, Messrs. Babu Brothers, Messrs. S. Vilas and Company and Messrs. Jal C. Jamshedji and Company held protracted negotiations with the Transport and Dock Workers' Union's representatives, and on 20/21-9-1965, Messrs. Jal C. Jamshedji and Company and Messrs. S. Vilas and Company and on 20/22/9/1965 Messrs. Babu Brothers approved of the terms of settlement agreed upon. The terms of settlement are annexed hereto and marked Annexure 'A'.

4. I may state that the terms of settlement in this reference are, for all practical purposes, the same as those agreed upon in Reference No. CGIT 41 of 1964. I am satisfied that these terms of settlement are the least that the employers in this reference can be asked to pay to their workmen, and I, therefore, make an award in terms of Annexure 'A'.

5. With regard to Messrs. Naurotam and Company Messrs. S. Fazal and Company and Messrs. Jagannath and Company, the Employers Nos. 1, 2 and 3 respectively in Schedule I to the Order of reference, they have hardly contested this dispute. There is no reason why an award should not be made against them in the same terms as made against the other three employers in the same reference, considering that they all belong to the same industry, and as, in my opinion, the terms of the award are the least which these employers can be called upon to pay to their workmen on the demands under reference. I, S.M.M., also make an award in terms of Annexure 'A' against Messrs. Naurotam and Company, Messrs. S. Fazal and Company and Messrs. Jagannath and Company.

6. I think this a fit case where the Award should be directed to remain in force for a period of two years from the date it comes into operation.

7. No order as to costs.

(Sd.) SALIM M. MERCHANT,
Presiding Officer.

ANNEXURE "A"

REFERENCE NO. CGIT 46 OF 1964

Employers in relation to Managanese and Iron Ore Handling companies, viz. (i) Messrs Babu Brothers (ii) Messrs S. Vilas & Co., (iii) Messrs. Jal C. Jamshedji & Company,

AND

Their Workmen.

(represented by Transport & Dock Workers' Union).

Demand No. 1:—Rates of Wages.

In view of the representatives of the Union and the workmen agreeing to accept wage rates which are lesser than those demanded by the Union in this demand, the employers agree to the following rates of wage:—

A. Piece-rated payment.

- (a) The employers shall with effect from 1st April, 1964, pay to their workmen 44 paise per tonne per gang for unloading-cum-stacking the manganese-ore.

- (b) The employers shall, with effect from 1st April, 1964, pay to its workmen 50 paise per tonne per gang for loading manganese ore into wagons and 59 paise per tonne per gang for loading the same into lorries.
- (c) The employers shall, with effect from 1st April, 1964, pay to its workmen 75 paise per tonne per gang in case the manganese ore is loaded directly from a wagon or a lorry into a wagon or a lorry.

Explanation:—A gang shall consist of minimum 8 workers.

- (d) The arrears, under the previous clause will be paid in two instalments, falling due on 31st October, 1965 and 31st December, 1965.
- (e) **Iron-ore.**—The employers handling iron-ore shall pay 56 paise per tonne for unloading iron-ore and 59 paise per tonne for loading iron ore into lorries, but in no case shall any gang of workmen be paid at the rate less than Rs. 10/- per wagon of not less than 20 tonnes capacity.

B. Dearness Allowance:

Without prejudice to the contention of either parties with regard to the applicability or otherwise of the recommendations of the Central Wage Board for Port and Dock workers and although the piece-rated payments are payable to the workmen in question on a weekly basis or a fortnightly basis, as the case may be, D.A. will be payable on a monthly basis on the piece-rated monthly earnings of the registered workmen. The D.A. will be payable with effect from 1st December, 1964, as follows:—

Piece-rated earnings for the workmen	Amount of D.A.
Below Rs. 109/-	Rs. 20/-
Rs. 110/- to Rs. 149/-	Rs. 32/-
Rs. 150/- to Rs. 209/-	Rs. 30/-
Rs. 210/- to Rs. 300/-	Rs. 38/-

Explanation:—Arrears arising out of the payment of Dearness Allowance will be payable to the registered workmen on or before 31st December, 1965.

As far as the present position regarding the recommendations of the Central Wage Board in respect of interim relief is concerned, the employers will not be under any obligation to pay to the workmen concerned any additional remuneration on account of the said recommendations of the Central Wage Board for the Port and Dock Workers.

Although there is no demand for D.A. separately referred to adjudication, parties have no objection to divide the total emoluments into two categories viz. piece-rate and D.A., as long as such total emoluments do not exceed the demand regarding wages referred.

C. Distribution and Control of work:

The work of unloading-cum-stacking shall be carried out by the workmen as per orders/instructions of the employers and no wagons shall be normally loaded below 23 tonnes or above 26 tonnes in the case of existing type of 29-23 tonnes c.c. wagons. The employer shall distribute the work equitably to the registered workmen in such a manner that available volume of work will gainfully employ the minimum number of gangs for maximum time throughout the day. If the available volume of work is not such as to keep all the workmen in all the gangs busy, the Company shall follow the method of rotation in distributing the work so that all the registered gang/workmen may get the available work equitably over period of time. The workmen not carrying out the orders/instructions of the employers in the matter of work shall be dealt with according to the procedure laid down by law. The Union will continue to co-operate in maintaining discipline.

(2) Minimum Guaranteed Wages and Attendance Allowance:

The demand is not pressed at present by the Union and is withdrawn.

(3) Paid Festival Holidays:

The employer shall grant four festival holidays and the workmen shall be entitled to a payment of Rs. 3/- for each holidays. The actual holidays will be decided in the beginning of each calendar year in consultation with the workmen.

(4) Pay for Work on Sundays and Holidays:

The employers shall not offer work to the registered workmen and the registered workmen shall not demand work on holiday other than Sundays. If the employers has work which is required to be performed on such holidays, the employers shall be free to engage casual labour for the purpose. In case the workmen are required to be on Sundays they shall be paid wages in accordance with law, if any applicable in respect of such work.

Leave.—Leave on average pay will be allowed to a workman at the rate of one-twentieth of the man-shifts worked by him. Leave can be enjoyed only after six months service and average earnings for purpose of leave will be worked out by dividing the total earnings the preceding six months by the number of days/shifts worked by the individual workman concerned. The Union does not at present press the demand for casual and sick leave and the same is dropped.

Bonus for the year 1961-62 and 1962-63:

The Union does not press for any additional bonus for the year 1961-62 to what the employer has already paid. With regard to the bonus for the year 1962-63 the parties are agreed that the employers shall pay bonus to each registered workman equivalent to 4% of his total earnings.

Existing Rights:

The existing rights and benefits of the employees apart from this settlement, will not be adversely affected.

Duration of Settlement:

This settlement will remain in force for a period of two years commencing from the date of the publication of the Award.

Approved.

Sd/-	Sd/-	Sd/-
For S. Vilas & Co.	Secretary, Transport & Dock Workers' Union.	For Jal C. Jamshedji and Co..
Sd/-		
For Babu Brothers.		

[No. 28/21/64-LRIV.]

New Delhi, the 21st October 1965

S.O. 3376.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad in respect of an industrial dispute between the management of the Andhra Bank Limited and their workmen which was received by the Central Government on the 8th October, 1965.

BEFORE THE HON'BLE INDUSTRIAL TRIBUNAL, ANDHRA PRADESH,
HYDERABAD

PRESENT:

Dr. Mir Siadat Ali Khan, M.A., LL.B., Fazel (Osm); B.C.L., (Oxon); D.Phil., (Oxon); Bar-at-Law; (Lincoln's Inn) (London); Chairman, Industrial Tribunal, Andhra Pradesh, Hyderabad.

INDUSTRIAL DISPUTE No. 31 OF 1964

BETWEEN

Workmen of the Andhra Bank Limited.

AND

The Management, Andhra Bank Limited, Hyderabad.

APPEARANCES:

Sri N. Sampath, Assistant Secretary, All India Bank Employees' Association,
—for workmen.

Sri K. Krinivasa Murthy, Advocate,—for the Management.

AWARD

By the Government of India, Ministry of Labour & Employment, New Delhi's Letter No. 51(44)/64-LRIV dated 5th August 1964, the industrial dispute between the management of the Andhra Bank Limited and their workmen over the payment of bonus for the year 1962 was referred for adjudication to me with the following issues framed in the Schedule to the order of reference *viz.*,

"Whether having regard to the directions contained in the Award dated the 21st July 1962 of the National Industrial Tribunal (Bank Disputes), Bombay, published with the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 2603 dated the 7th August, 1962, the management of the Andhra Bank Limited are justified in not paying any bonus to their employees for the year 1962? If not, to what relief are the workmen entitled?"

2. The reference was registered here as industrial dispute No. 31/1963. The claims statement of the workmen was received on 22nd September 1964, but, the employer filed the counter only on 6th November 1964. Thereafter, the workmen in the first instance and then the employers requested adjournments on various grounds by letters and did not turn up till today when without adducing any oral evidence, but, after filing some documents the representatives of the parties addressed arguments. I have considered them and proceed to pass the Award below immediately thereafter.

3. The representative of the workmen, Sri N. Sampath, Assistant Secretary, All India Bank Employees' Association, contended that he concedes that the Ordinance is applicable to the claim of bonus in this reference. He contended also that under the provisions of Section 33 and 34 of the Payment of Bonus Ordinance No. 3/1965, he is not debarred from claiming bonus in accordance with the provisions of the Justice K. T. Desai's Award and if the calculations in accordance with the Desai Award would show that more than 4 per cent of the wages can be given as bonus, the same should be awarded to him, but, he conceded that in any case under the Ordinance he could not get more than 20 per cent of the said wages. Before proceeding to state his calculations under the Desai Award, he made the concession that as the balance-sheet of the Andhra Bank shows the reserves to be of Rs. 28,48,220/- and the capital to be Rs. 41,73,765/-, the 20 per cent of the reserves will have to be ear-marked after making provision for taxation. I proceed to tabulate below Sri Sampath's calculation under the Desai Award:

NET PROFIT	Rs.
	8,34,053

ADD :

Contribution to the Defence Fund	..	25,000
Development rebate	..	27,750
Depreciation after deduction of Rs. 23,913 spent on repairs	..	2,15,059
Loss incurred on a sale	..	3m996

Gross or adjusted profits	..	11,05,858
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Prior Charges :

1. Income-tax	3,00,000
2. The allocation for reserves 20% of net profit after deduction of the income-tax	1,06,810
3. 6% return on paid up capital at the beginning of the year 1962 of Rs. 41,69,070	2,50,144
4. 4-1/2% on statutory reserves of 19,90,000 on 1-1-62 and 4% on share premium of Rs. 6,48,220	1,15,478
5. Depreciation as per the split figures filed by the employer	1,68,749
6. Rehabilitation	Nil
	<hr/>
	9,41,881
Therefore, available surplus	Rs.
	<hr/>
	1,64,677

3(1) Relying on the first proviso to Section 34, Sri N. Sampath contended further that, as the employer paid the bonus in 1961, the bonus that is now to be awarded should bear the same ratio as the bonus paid in 1961 had borne to the gross profit of the year 1961. He showed by calculation that that comes to 21%. Thus, he claimed as bonus for 1962 an amount representing 21% of the gross profit of 1962. This amount was Rs. 11,50,852/-; 21% of it is Rs. 2,41,678/-. Sri N. Sampath claimed the same. However, the learned advocate for the Bank Sri K. Srinivasamurthy contended that the first proviso to section 34 could not apply here, as under the very words of the said proviso it was made applicable only when the bonus was to be paid under an award, agreement, settlement or contract of service. He argued that it is not the case of the employees that the bonus that was paid in 1961 was under any award, agreement, settlement or contract of service. Sri Sampath could not show that the bonus was awarded under any of the said four heads. I am afraid, therefore, I have no alternative but to reject this contention of Sri Sampath under the first proviso to section 34 of the Ordinance and I do it.

3(2). The learned advocate for the employer contended further that even conceding that, the employees are entitled to calculate the bonus under the Desai Award, still, he would confine himself to showing that that calculation is obviously wrong in respect of the item of Income-tax. This he stated is without prejudice to his right to question all the items. The assessment orders which he filed showed that the Income-tax the Bank had to pay for the assessment year 1962 was Rs. 3,93,546/-. He argued that when the Bank had to pay towards the Income-tax the amount of Rs. 3,93,546/- the deduction of merely Rs. 3,00,000/- cannot be correct. In all the decided cases on bonus the tax actually paid has to be deducted. In my opinion, his contention is correct. Thus, according to him, if Rs. 98,546/- are taken out from the available surplus found by the workmen by calculating under the Desai's Award of the amount of Rs. 1,64,677/- only Rs. 71,131/- remain and, even assuming without conceding that the labour is to be the major recipient of the available surplus to the extent of 87%, the bonus that can be awarded to the Bank employees cannot be more than Rs. 71,131/-, whereas, under the Ordinance 4% of the wages has to be paid irrespective of profit and loss and that amount comes to Rs. 1,32,948/- or Rs. 1,33,000/- approximately. The learned advocate stated that the Bank was willing to pay this sum in compliance with the provisions of the Ordinance. After careful consideration, I am of the opinion that that is the most which the employees could get in this case. My answers to the issues framed, therefore, are that, having regard to the Ordinance, the employer was not justified in refusing to pay bonus for the year 1962 and its quantum is Rs. 1,33,000/-. I, therefore, direct that this amount should be paid.

Award accordingly and report to Government of India, given under my hand and the seal of the Court, this the 26th Day of August, 1965.

U. S. ALI KHAN,
INDUSTRIAL TRIBUNAL.

List of witnesses examined for

Workmen:

Nil.

Management:

Nil.

List of documents exhibited for Workmen

Nil

List of documents exhibited for Management

- Ex.M 1. Thirtyninth annual report of the Andhra Bank Limited (1962).
- Ex.M 2. Statement showing basic pay and special allowance of workmen and non-workmen for the year 1962.
- Ex.M 3. Statement of Rehabilitation Reserve of the Andhra Bank Ltd., Central Office, Hyderabad.
- Ex.M 4. Assessment order for 1963-64 in respect of the assessee the Andhra Bank Ltd., Machilipatam, dated the 23rd September 1964.
- Ex.M 5. Break up figures of other expenditure shown in the profit & loss account for the year 1962 of the Andhra Bank Ltd., Central Office, Hyderabad.
- Ex.M 6. Profit & Loss Account for the year 1962 of the Andhra Bank Limited, Central Office, Hyderabad.
- Ex.M 7. Worksheet as per Ordinance.
- Ex.M 8. Extract from the enclosure to letter DBO (M) No. L.I. 1097/SB.1(L)-61, dated 6th July 1961 of the Reserve Bank of India, Madras.
- Ex.M 9. Extract from the Inspector Report, dated 12th July 1962 of the Reserve Bank of India.

Ex.M10. Copy of letter DBO. No. Bom. 13291/C. 253-61, dated 27th December 1961 from The Reserve Bank of India, Bombay, to all Indian Scheduled Banks on the subject of capital funds of banks.

Ex.M11. Copy of letter DBO. No. Bom. 860/C.263-62, dated 25th January 1962 from The Reserve Bank of India, Bombay to all Indian Scheduled Banks on the subject of capital funds of banks and the transfer of 20 per cent of disclosed profits to published reserves.

Ex.M12. Office Note, dated 4th January 1962 and subject No. 10 of the Andhra Bank Ltd., Central Office, Masulipatam.

(Sd.) M. S. ALI KHAN,

Industrial Tribunal,
[No. 51(44)/64-LRIV.]

ORDERS

New Delhi, the 18th October 1965

S.O. 3377.—Whereas the Central Government is of opinion that an Industrial dispute exists between the employers in relation to the Singareni Collieries Company, Limited, Kothagudium, Andhra Pradesh and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal, with Dr. Mir Siadat Ali Khan, as the Presiding Officer, with Headquarters at Somajiguda, Hyderabad, and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the demand of the Singareni Collieries Workers' Union for changing the designation of the Firemen of the 'B' Power House, Kothagudium namely: (1) Sri A. Suryanarayana, (2) Sri Vemula Narayana, (3) Sri Khajamia (4) Sri Chandala Durgaiah (5) Sri Nallala Laxminarayana (6) Sri Somasundaram, as Assistant Boiler Attendants (or Boiler Attendants of the existing Grade of Rs. 48—100) is justified or not?

[No. 7/17/65-LRII.]

S.O. 3378.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Jhar Silica Mine, Jhar and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Jawan Singh Ranawat shall be the Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

- (1) What should be the minimum rate of wages for workmen, both male and female employed by the management of Jhar Silica Mine, Jhar, Post Office Bansko, District Jalpur and from what date should the said rate of wages be brought into force?
- (2) Whether the demand of the workmen for having time scale of wages is justified? If so, what should be the scale/scales for each category of workmen and from what date should the said scales of wages be brought into force?
- (3) Whether the demand of the workmen for paid holidays on account of national and religious festivals is justified? If so, what should be the number and days of such holidays?

- (4) Whether the demand of the workmen for sick leave with wages is justified? If so, what should be the number of days of such leave and the rate at which the workmen should be paid during such leave?
- (5) Whether the demand of the workmen for issual of labour cards to them is justified? If so, what action should be taken by the management?
- (6) Whether the demand of the workmen for dearness allowance of Rs. 5 per month is justified? If so, to what extent and from what date?

[No. 24/31/65-LRI.]

New Delhi, the 19th October 1965

S.O. 3379.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Jambad Kajora Colliery, P.O. Siduli, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of subsection (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the stoppage of work by the management of Jambad Kajora Colliery of their workmen Sarvashri Suraj Paul Koiri and Hiralsal Pasi, Pick Miners with effect from the 28th February, 1965 and 3rd March, 1965 respectively was an act of victimisation? If so, to what relief are the workmen entitled?

[No. 6/90/65-LRI.]

New Delhi, the 20th October 1965

S.O. 3380.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Chinakuri 1 and 2 Pits Colliery of M/s Bengal Coal Company Ltd., P.O. Disergarh, Dist. Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of subsection (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the dismissal of Shri Bisheswar Singh Tyndal Mazdoor with effect from 9th January, 1965 by the management of Chinakuri 1 and 2 Pits Colliery of M/s Bengal Coal Company Ltd. P.O. Disergarh, District Burdwan, is justified? If not, to what relief is the workman entitled?

[No. 6/92/65-LRI.]

S.O. 3381.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the B. Roy's Remkanali Colliery, P.O. Katrasgarh, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of subsection (1) of section 10 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

"Whether the management of B. Roy's Ramkanali Colliery P.O. Katrasgarh, District Dhanbad terminated the services of Shri Biswanath Viswakarma, Line Mazdoor, with effect from the 15th July, 1965 without any justification?

If so, to what relief is the workman entitled?"

[No. 2/102/65-LR-II.]

II. C. MANGHANI, Under Secy.

New Delhi, the 18th October, 1965

S.O. 3382.—In exercise of the powers conferred by sub-section (3) of section 1 of the Personal Injuries (Compensation Insurance) Act, 1963 (37 of 1963), the Central Government hereby appoints the 1st day of November, 1965, as the date on which the said Act shall come into force.

[No. 3/3/63-Spl.]

New Delhi, the 21st October 1965

THE PERSONAL INJURIES (COMPENSATION INSURANCE) SCHFME 1965

S.O. 3383.—In pursuance of section 8 of the Personal Injuries (Compensation Insurance) Act, 1963 (37 of 1963), the Central Government hereby makes the following Scheme, namely:—

1. **Short title and commencement.**—(1) This Scheme may be called the Personal Injuries (Compensation Insurance) Scheme, 1965.

(2) It shall come into force on the 1st November, 1965.

2. **Interpretation.**—In this Scheme, unless the context otherwise requires,—

(a) "Act" means the Personal Injuries (Compensation Insurance) Act, 1963 (37 of 1963);

(b) "Annexure" means the annexure appended to the Scheme;

(c) "advance premium" means the advance payments against the total premium to be paid by an employer as required in clause 6;

(d) "Claims Officer" means the officer appointed as Claims Officer for the purposes of the Scheme made under the Personal Injuries (Emergency Provisions) Act, 1962 (59 of 1962);

(e) "clause" means a clause of this Scheme;

(f) "Commissioner" means a Commissioner for Workmen's Compensation appointed under section 20 of the Workmen's Compensation Act, 1923 (8 of 1923);

(g) "compensation" means compensation payable under sections 4 and 7 of the Act;

(h) "dependant" has the meaning assigned to it in the Workmen's Compensation Act, 1923 (8 of 1923);

(i) "eligible member of a family" means—

(i) a widow lawfully married,

(ii) a legitimate son,

(iii) a legitimate daughter,

(iv) father,

(v) mother, and

(vi) any other dependant to whom the Claims Officer thinks that compensation should be paid;

(j) "Form" means a form appended to this Scheme;

(k) "Government Agent" means any person employed under section 11 to act as the agent of the Central Government for any of the purposes of the Act;

(l) "policy" means a policy of insurance issued under this Scheme;

- (m) "qualifying injury" means a personal injury sustained by a gainfully occupied person in respect of which compensation is payable under section 4 of the Act;
- (n) "quarter" means a period of three months, commencing on the first day of April, July, October or January;
- (o) "section" means a section of the Act;
- (p) all other words and expressions used in the Scheme but not defined herein shall have the meanings respectively assigned to them in the Act.

3. Employer's obligations.—(1) Every employer shall take out, in the manner indicated in this Scheme, a policy of insurance as laid down in section 9 and pay such advance premiums as may be notified under clause 8 and such final premium as may after the expiry of the period of the emergency be notified under clause 6.

(2) An employer who has fulfilled such of his obligations under sub-clause (1) as have fallen due shall be entitled to have any liability for the payment of compensation incurred by him under the Act discharged on his behalf by the Government out of the Fund.

(3) Where an employer has failed to fulfil such of his obligations under sub-clause (1) as have fallen due, any compensation for the payment of which he is liable under the Act shall be paid out of the Fund, but any amount so paid shall be capable of being recouped from the employer in accordance with the procedure provided in that behalf in the Act.

4. Application for insurance.—(1) Every employer required to take out a policy of insurance under section 9 shall apply to the Government Agent or to such officer as may be authorised by the Government Agent in this behalf, for insurance.

(2) Every such application shall be made in duplicate in Form A and shall be accompanied by a treasury chalan evidencing payment of the requisite advance premium into a Government Treasury under the head LXIA—Receipts connected with the National Emergency 1962—Insurance premiums under the Personal Injuries (Compensation Insurance) Scheme.

(3) If no chalan accompanies an application, or if the chalan is not in order, the application shall be returned to the applicant for re-submission along with the required chalan.

(4) If the chalan accompanying an application is in order but the application for insurance is not received in Form A, the chalan may be retained by the Government Agent and the application returned to the applicant for re-submission after being correctly made out.

(5) If the chalan accompanying an application is for an amount which falls short of the premium due, the application, if otherwise in order, may be kept in suspense, pending the receipt of a chalan for the balance of the amount by which the original chalan falls short.

(6) The Government Agent shall give a receipt in Form B-1 for the application received from the employer.

5. Issue of Policy.—If the application has been correctly made out in Form A and is accompanied by a treasury chalan evidencing payment of the full advance premium required under clause 8 into a Government Treasury under the head of account specified in sub-clause (2) of clause 4, the Government Agent shall issue a policy of insurance as soon as possible, after the receipt of the application.

6. Amount of premium.—(1) The total premium due on a policy of insurance shall be determined by the Central Government by a notification in the Official Gazette within nine months after the termination of the present emergency.

(2) The premium shall be expressed as a percentage of the wages bill of the employer.

(3) (a) This premium, less such advance premiums as may have been recovered, will be payable by employers in such instalments as may be fixed by the Central Government.

(b) Each such instalment shall be paid into a Government Treasury under the head of account specified in sub-clause (2) of clause 4 through a chalan and the chalan evidencing such payment shall be forwarded to the Government Agent,

within 30 days of the date fixed for payment by a notification in the Official Gazette.

(4) If the advance premium already recovered exceeds the total premium, then the excess shall be refunded by the Central Government to the employer.

7. Manner of assessing final premium.—For the purpose of calculating the total premium due from any employer on a policy of insurance, the total wages bill of that employer for the four complete quarters preceding the date of termination of the present emergency shall be the wages bill on which percentages will be charged:

Provided that in respect of an employer who has gone out of business before that date, the period shall be the four complete quarters preceding the date on which he goes out of business.

8. Advance of premium.—(1) The amount of the advance premium payable during the quarter ending 31st March, 1966 against the total premium to be determined under clause 6 shall be at the rate of twenty-five paise per one hundred rupees of the relevant wages bill.

(2) The amount of advance premiums payable during subsequent quarters which shall be expressed as a percentage of the relevant wages bill of each employer shall be payable at such rates as may be notified from time to time by the Central Government in the Official Gazette in this behalf.

(3) Advance premiums shall not be required to be paid more frequently than once in a quarter.

(4) The relevant wages bill for an advance premium shall be the wages bill for the quarter preceding the one in which the advance premium is required to be paid.

(5) If at any time the Central Government is of opinion that the balance in the fund is sufficient to meet the probable liabilities of the fund as foreseen at that time, the Central Government may waive or postpone the payment of advance premium during the current or any future quarter.

(6) All advance premiums shall be paid by the employer into a Government treasury under the head of account mentioned in sub-clause (2) of clause 4 and the treasury challan evidencing payment of the advance payments shall be forwarded by the employer to the Government Agent, to whom the application under clause 4 is required to be made within such time as may be specified by the Central Government in the Official Gazette in this behalf.

(7) The final premium and the advance premiums shall be rounded off to the nearest rupee.

(8) The Government Agent or his officer shall give a receipt in Form B-2 for each advance premium after the first paid by the employer.

9. Value in lump sum of amounts payable under the Personal Injuries (Emergency Provisions) Act, 1962.—The value in lump sum of the pensions and allowances payable under the Personal Injuries (Emergency Provisions) Act, 1962, and specified in column 1 of the table below shall be the corresponding amount indicated in column 2 thereof:—

TABLE

Pension and allowances

- | | |
|--|------------|
| (i) Disability pension for 100 per cent disablement. | Rs. 4,900. |
| (ii) Family pension and children's allowance. | Rs. 4,600. |

10. Amount of compensation.—(1) Subject to the provisions of section 7 read with clause 9 and sub-clause (2) of this clause, the amount of compensation payable shall be as follows:—

(a) Where death results from the injury and the deceased person has been in receipt of monthly wages falling within limits shown in the first column of the Annexure—the amount shown against such limits in the corresponding entries in the second column thereof;

- (b) Where permanent total disablement results from the injury and the injured person has been in receipt of monthly wages falling within the limits shown in the first column of the Annexure—the amount shown against such limits in the corresponding entries in the third column thereof;
- (c) Where permanent partial disablement results from the injury—
 - (i) if the case of an injury specified in the Schedule to the Act such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury, and
 - (ii) in the case of an injury not specified in the Schedule to the Act, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury;
- (d) Where temporary disablement, whether total or partial, results from the injury and the injured person has been in receipt of monthly wages falling within limits shown in the first column of the Annexure, a half monthly payment of the sum shown against such limits in the corresponding entries in the fourth column thereof payable on the sixteenth day—
 - (i) from the date of the disablement, where such disablement lasts for a period of twenty-eight days or more, or
 - (ii) after the expiry of a waiting period of three days from the date of the disablement where such disablement lasts for a period of less than twenty-eight days,

and thereafter half-monthly for so long as he receives any payment under the Scheme made under the Personal Injuries (Emergency Provisions) Act, 1962.

(2) Notwithstanding anything contained in sub-clause (1), the amount of compensation payable to a Government servant under this Scheme shall in accordance with section 6 of the Act be equal to the amount of compensation that would have been payable under sub-clause (1) plus the appropriate lump sum value of the payments under the Personal Injuries (Emergency Provisions) Act, 1962, specified in clause 9 of this Scheme, reduced by the lump sum value of the extraordinary pension, gratuity, compassionate payment or damages payable to him under the rules regulating the conditions of his service.

11. Title to compensation.—Compensation in respect of a qualifying injury sustained by a workmen shall be admissible only if the injury was sustained at any time—

- (a) on a day on which he was on duty as such workman, or
- (b) on a day on which he would have been on duty but for that day being a recognised holiday or day of rest or for his being casually absent from duty on account of illness, injury or other similar cause, or for any other reason which in the opinion of the Claims Officer was good and sufficient.

12. Advance payment by employers.—(1) The employer of a workman sustaining a qualifying injury may grant to the workman himself or in the event of his death to any person to whom compensation would be payable under clause 17 of this Scheme, an advance on account of compensation not exceeding two hundred rupees.

(2) Upon acceptance of an advance payment in accordance with sub-clause (1) the recipient thereof shall give to the employer a receipt in duplicate in Form C.

(3) (a) An employer who wishes to claim a refund of the advance payment made by him to a workman or an eligible member of his family under sub-clause (1) shall, within two weeks of making such advance, make an application in Form D therefor to the Claims Officer having jurisdiction in the area where the injury was sustained.

(b) The application referred to in sub-clause (a) shall be accompanied by a copy of the receipt given by the workman or an eligible member of his family in Form C.

(4) So much of the amount paid under sub-clause (1) as does not exceed the compensation payable to the same person under an award made under this Scheme shall be repayable to the employer from the Fund.

(5) When making an award under this Scheme for an injury in respect of which the employer of the injured person has made an advance payment to the workman or an eligible member of his family under sub-clause (1), the Claims Officer shall, on receipt of an application under sub-clause (3), make an order in Form E requiring the repayment of the advance payment to the employer, and shall reduce the award by the amount of such order.

13. Application for compensation.—(1) An application for compensation under this Scheme shall be made to the Claims Officer of the area where the injury was sustained within eight months after the date of sustaining the qualifying injury by any of the following persons in the manner laid down in clause 14 of this Scheme namely:—

- (i) the workman, or
- (ii) in case of workman's death,
- (iii) an eligible member of the workman's family.

(2) The Claims Officer may accept an application from the employer of the workman on behalf of the workman or his family, if such officer is satisfied that it is in the interest of the workman so to do or in the event of his death, of an eligible member of the workman's family.

(3) Where the Claims Officer is satisfied that a person by whom an application should be made is for sufficient reason incapable of making the same, the Claims Officer may entertain an application made on such person's behalf by any other person.

(4) (a) An application made after the period of eight months of the date of the qualifying injury shall not be considered,

(b) but the Claims Officer may, in his discretion, if he is satisfied that the delay has been due to valid reasons, admit the application.

14. Application for compensation by workman, employer or any person authorised in this behalf.—(1) An application for compensation by the workman sustaining the qualifying injury shall be made in Form F to the Claims Officer through the person in charge of the hospital or dispensary where he last received or is receiving treatment, or if he has not been treated in any hospital or dispensary, through the Medical Officer of Government or a registered medical practitioner, if any who last treated him for the injury, and shall be countersigned by such person, officer or practitioner.

(2) An application for compensation made by an eligible member of the workman's family on behalf of the workman sustaining the qualifying injury shall be in form G.

(3) An application in respect of compensation made under sub-clause (3) of clause 13 or by an employer under sub-clause (2) of clause 13 shall be in Form H.

15. Certification by employer.—(1) On receipt of an application for compensation in Form F, G, or H, the Claims Officer shall require the employer to submit a return in Form I within such time as may be prescribed by the Claims Officer.

(2) An advance payment made under clause 12 shall not be refundable if not recorded in Form I.

(3) An advance payment made after submission of Form I by the employer shall not be refundable.

16. Award for payment of compensation.—(1)(a) When an application for compensation under this Scheme is received, the Claims Officer shall, after considering the reports and certificates pertaining to the case and after obtaining such other evidence if any, as he considers necessary, and in addition to the award under the Scheme made under the Personal Injuries (Emergency Provisions) Act, 1962 (59 of 1962), make another award, or awards in Form J, when there are several eligible members, under the provisions of this Scheme for the payment of compensation under the provisions of the Act.

(b) The Central Government may make a similar award in respect of cases in which relief has been granted under clause 46 of the Scheme made under the Personal Injuries (Emergency Provisions) Act, 1962 (59 of 1962).

(c) (i) A signed and sealed copy of the award shall be given to the person in whose favour the award is made or to his authorised agent;

(ii) a true copy shall be sent to the employer of the workman concerned together with attested specimens of thumb and finger impressions of the payee and his signature, if literate;

(iii) a true copy shall be sent to the Post Office or the Government Treasury where the payment is to be made, together with attested specimens of the thumb and finger impressions of the payee and his signature, if literate;

(iv) and another true copy shall be sent to the audit officer specified for this purpose by the Director General of Posts and Telegraphs, when the payment is to be made at a Post-Office or by the Central Government when the payment is to be made at a Government Treasury.

(2) If an application for compensation is rejected, the reasons for such rejection shall be recorded in the Order passed and a copy of the Order shall be given free of cost to the applicant.

17. Distribution of compensation.—The amount of compensation in respect of death shall be paid and distributed by the Claims Officer in like manner as compensation in respect of a workman whose injury has resulted in death is paid and distributed by a Commissioner under section 8 of the Workmen's Compensation Act, 1923, except that the payment shall be made through an award in Form J, under clause 16.

18. Payment by instalments.—(1) When compensation admissible under the Act to any person is less than, or equal to, five hundred rupees, it shall be paid as lump sum.

(2) When the compensation admissible under the Act to a person exceeds five hundred rupees, a part of the admissible amount up to the extent of five hundred rupees shall be paid as a lump sum and the balance shall be paid in monthly or quarterly instalments at such rate as may be prescribed by the authority making the award under clause 16 or the authority issuing directions under clause 20:

Provided that the number of instalments shall not exceed 60 in the case of monthly instalments and 20 in the case of quarterly instalments.

19. Place of payment.—(1) Compensation under this Scheme shall be payable at all head and sub-post offices and such branch post-offices in India as may be authorised in this behalf by the head of the circle or at a Government Treasury, as the authority making the award shall direct.

(2) All such amounts shall be drawn within three months of the date when they are due.

(3) All such payments shall from time to time be endorsed on the award by the Post-master, or the Treasury Officer concerned.

20. Power to review and alter award.—The authority having power to withhold, cancel, review or alter an award under the Scheme made under the Personal Injuries (Emergency Provisions) Act, 1962 may issue such directions as may appear to it necessary in the circumstances of the case for the withholding, cancellation, review or alteration of the award under this Scheme in respect of the same workman, and in respect of the same Injury:

Provided that no such direction shall be made to recover any amounts already paid under this Scheme.

21. Exemption of employers.—An employer desiring provisions of the Act under section 21 shall make an application to the Central Government in Form K.

rom the
Central

22. Submission of details by contractors.—The liabilities under this Scheme of the contractor and the principal as defined in section 10, shall be as follows:—

The Contractor.—(a) The contractor shall be under an obligation in like manner as if he were any other employer for insuring the workman working under him.

(b) The contractor shall be responsible for informing the Principal of the number and date of the policy taken out by him from the Government Agent,

The Principal.—The principal shall be responsible for bringing to the notice of the Government Agent the existence of any contractors working under him. The principal will not be responsible for the accuracy of figures included in the application made by the contractor.

23. Penalties.—Any person who contravenes any requirement of the scheme shall be punishable for every such contravention with fine which may extend to two thousand rupees.

ANNEXURE
(See clause 10)

Amount of compensation payable

Monthly wages of workmen injured	Amount of compensation for			Half-monthly payment as compensation for temporary disablement
	Death	Permanent total disablement		
I	2	3	4	
More than But not more than	Rs.	Rs.	Rs. Paise	
0 50	Nil	Nil	Nil	
50 60	Nil	140	6·00	
60 70	Nil	980	6·00	
70 80	200	1,820	7·50	
80 100	1,400	3,500	13·50	
100 150	2,400	4,900	25·00	
150 200	2,400	4,900	40·00	
200 300	3,400	6,300	57·50	
300 400	4,400	7,700	62·50	
400 ..	5,400	9,100	75·00	

NOTE.—Compensation for permanent partial disablement is calculated as follows :—The extent of permanent partial disablement is expressed in percentages of loss of earning capacity. These percentages are percentages of the compensation which would be payable in the case of permanent total disablement.

FORM A

(See Clause 4)

Important :—Before completing this application form read the instructions overleaf

GOVERNMENT OF INDIA

PERSONAL INJURIES (COMPENSATION INSURANCE)

ACT, 1963

Application and Wages Declaration Form

1. Employer's Name

2. Date on which the employer became liable to take out the insurance.

3. Business Address

4. Description of trade or business and Schedule of employees

Name of premises, factories, mines or establishments where employees covered by the Act normally work	Address	Nature of trade or business	Industry/group to which the trade or business belongs (for list see para 3 over leaf)	No. of employees at the beginning of the current quarter	Actual* wages including overtime wages paid during the previous quarter	Cash allowances	Total wages and allowances (6) plus (7)
1	2	3	4	5	6	7	8
(1)						TOTAL _____	
(2)							*For calculation of the wages and allowances each person's monthly earnings above Rs. 500/- should be ignored.

5. Advance against premium calculated to the nearest Rupee at _____ per cent equal to Rs.

6. Have you employed any contractor or contractors in the preceding quarter (s)?
If so, give:—

Name of contractor(s)	period of contract	Approximate number of persons employed.
.....
.....

(For definition of "Contractor" see para 10 overleaf).

To

(Here insert the name of the Government Agent)

(To be completed when application for insurance is first made)

I/We warrant that the above statements and particulars are true and I/We request you to effect insurance on my/our behalf with the Government of India in terms of the prescribed standard policy which I/We agree to accept.

I/We further agree that this application and all the declarations that will be made by me/us hereafter from time to time in relation to the policy to be issued to me/us against this application shall be the basis of the contract between the President of India and myself/ourselves.

I/We enclose chalan dated for Rs. paid into the Treasury* at

State Bank of India*

Reserve Bank of India*

Date Signature of the Employer.

(*Strike out whichever is inapplicable).

(To be completed when submitting a declaration of wages subsequent to original application).

I/We warrant that the above statements and particulars are true and I/We enclose chalan dated for Rs. deposited in the Treasury* at in payment

State Bank of India*

Reserve Bank of India*

of the advance against premium payable during the quarter ending The number of my/our policy is

Signature of Employer.

Dated

(*Strike out whichever is not applicable).

INSTRUCTIONS

(To be printed on reverse to Form A)

1. *Liability.*—The above Act imposes on employers of persons engaged in essential services, in factories, mines, major ports, plantations and other employments to be specified, an obligation to pay compensation in respect of personal injury to their employees amounting to the difference between the amount which would have been payable under the Workmen's Compensation Act, 1923, and the amount paid by Government under the Personal Injuries (Emergency Provisions) Scheme, 1962, if the personal injury had given a right to compensation thereunder. The Act extends to the whole of India.

2. *Compulsory Insurance.*—All employers to whom the Act applies must insure their liability with the Central Government and the Act prescribes heavy penalties for failure to insure or failure to pay any advance against premium due or failure to pay compensation due under the Act.

3. *Employers to whom the Act applies.*—The Act applies to all employers throughout India of persons employed in:—

(a) any employment or class of employment which is or has been declared to be an essential service under rule 126-AA of the Defence of India Rules, 1962;

- (b) any factory as defined in clause (m) of section 2 of the Factories Act, 1948;
- (c) any mine within the meaning of the Mines Act, 1952;
- (d) any major port as defined in the Indian Ports Act, 1908;
- (e) any plantation as defined in clause (f) of section 2 of the Plantations Labour Act, 1951;
- (f) any employment specified in this behalf by the Central Government by notification in the Official Gazette.

Please indicate category or categories of employments in column 4 of the Form.

4. *Employers not required to insure.*—The following classes of employers are not required to insure under the Act:—

- (a) the Central and State Governments; [Sec. 9(3)]
- (b) employer whose total wages bill for any quarter after the commencement of the Act has never exceeded fifteen hundred rupees; [Sec. 9(1)]
- (c) short-term contractors, i.e. where the loaning or letting on hire of the services of the workmen, or the execution of work, is for a term of less than one month; [Sec. 10(2)]
- (d) Employers exempted under section 21 of the Act.

5. *Employees included.*—All direct employees, including Managers, Supervisors, Assistants, etc., and all contractors' employees (see definition of "Contractor") are included in the Scheme. It should be noted that all employees in the employments referred to are covered and the application of the Act is not restricted to a specific class, e.g. "workers" defined in the Factories Act.

6. *How to insure.*—The application Form should be completed and forwarded in duplicate to the Government Agent.

All applications must be accompanied by a treasury chalan evidencing the payment of the requisite advance premium into the Treasury/Reserve Bank of India/State Bank of India, as the case may be, the advance premium being calculated to the nearest rupee.

7. *Date by which policy to be taken.*—An application for taking out a policy of insurance shall be made—

- (a) If the employer had been an employer for the complete quarter ending 31st December 1965, then on or after the 10th January 1966 and not later than 9th February 1966;
- (b) in all other cases, within one month of the employer's having been an employer for one complete quarter.

8. *Rate of Premium.*—The total premium payable will be decided by Government after the termination of the emergency when the total liability has been ascertained. In the meantime, employers will be required to pay to Government periodic advance payments against this premium and the amount of advance premium payable during any quarter shall be such percentage of the wages bill of the previous quarter as may be notified by the Central Government from time to time.

The rate of the advance premium for the quarter ending 31st March 1966 has been fixed at twenty five paise per Rs. 100 of the wages bill in respect of the quarter ending 31st December, 1965.

9. *Definition of "Wages Bill".*—For the purpose of computing the 'wages bill' on which is based the amount of premium, the total is taken only of the gross cash wages including overtime wages and allowances of all workmen excluding all that part of gross cash wages and allowances of individual employees which exceeds Rs. 500 per month and bonus paid on profits.

It is the wages bill so computed that should be entered in the application form.

10. *Definition of "Contractor".*—Please see section 10 of the Act. Unlike the provisions of the Workmen's Compensation Act, 1923, the "contractor" is liable in respect of workman whose services are temporarily lent or let on hire to another.

The liabilities of the Principal and Contractor under the Scheme are as follows:—

The Contractor.—(a) The contractor shall be under an obligation in like manner as if he were any other employer for insuring the workman working under him.

(b) The contractor shall be responsible for informing the principal of the policy number and date of insurance effected by him.

The Principal.—The principal shall be responsible for bringing to the notice of the Government Agent the existence of any contractors working under him. The principal will not be responsible for the accuracy of figures included in the application made by the contractor.

11. *Definition of "Quarter".*—A "quarter" means a period of three months commencing on the first day of April, July, October and January.

For 'relevant quarter' for which the wages are calculated and calculation of advance premium please see clause 8 of the Scheme.

FORM B-1

[See clause 4(6) of Scheme]

ACKNOWLEDGEMENT OF FIRST APPLICATION WITH CHALAN PERSONAL INJURIES (COMPENSATION INSURANCE) ACT, 1963

Received from application No. dated
along with chalan dated for Rs. paid into
The Treasury* at

Reserve Bank of India*

State Bank of India*

Signature of authorised representative of Government Agent.

(*Strike out whichever is inapplicable)

FORM B-2

[See clause 8(8) of Scheme]

ACKNOWLEDGEMENT OF CHALAN IN RESPECT OF ADVANCE PREMIUM PAYABLE AFTER THE FIRST PERSONAL INJURIES (COMPENSATION INSURANCE) ACT, 1963

Received from a chalan dated for Rs.
(paid into the Treasury*/Reserve Bank of India*/State Bank of India*) towards
advance against premium under policy No. dated payable during
the quarter ending

Signature of authorised representative of Government Agent.

(*Strike out whichever is inapplicable)

FORM C

[See clause 12(2) of Scheme]

Received from of an advance payment of Rs.
(Rupees) under clause 12 of the Personal Injuries (Compensa-
tion Insurance) Scheme, 1965, with reference to the injury sustained on
at by of

Ticket No.

Department

Employee of

In consideration of the advance, I hereby enter into the undertaking that the amount of this advance may be deducted under the provisions of the personal Injuries (Compensation Insurance) Scheme from out of any award made (either

to me or to my relatives)* in respect of the aforesaid injury sustained by deceased/
me

Date

Witness ..
of

Signature or thumb impression of
Address

*Only when receipt is given by the injured person.

FORM D

[See Clause 12(3)]

APPLICATION FOR REFUND OF ADVANCE PAYMENTS

To the Claims Officer for (area) I

..... do hereby
declare that I have paid to whose age description and other details are
We

given below a sum of Rs. as an advance payment for the injury
sustained by of

Ticket No.

Department
a workman in employment under me The advance payment was made

our firm

on and a duplicate copy of the receipt is attached hereto.

I claim a refund of the amount stated above and request

We, the firm of Messrs.

you to pass an order for the repayment of the said amount to me at

us

Post Office

Government Treasury

Date of application.

Signature of employer.

Particulars of the person to whom advance paid

Name

Relation with deceased,
in case of workman's death.

Father's name

Age
Profession

Residence

FORM E

[See Clause 12(5)]

ORDER FOR REFUND TO EMPLOYER

Claims Officer for (area)
Name of Claims Officer

Name of employer

Full address

Date of application for refund

Amount to be refunded

Being satisfied that the sum of Rs. being the amount of the
advance payment made to in accordance with sub-clause (1)
of clause 12 of the Personal Injuries (Compensation Insurance) Scheme by
(name of employer) the employer of is due to the said employer.

I direct that the said sum shall be paid to him from the Personal Injuries Compensation Insurance Fund at Post Office on production, of this order.

Government Treasury

Delivered to payee

Date and signature of Claims Officer.

Forwarded to the payee through

*Deputy Collector/Assistant Commissioner

Collector/Deputy Commissioner

of District.

Copy forwarded to the Post Master

Post Office

Treasury Officer

Government Treasury

*Delete whichever is not applicable.

FORM F

[See Clause 14(1)]

APPLICATION FOR COMPENSATION BY WORKMAN

Claimant's full name (in capitals).

Name of father (in the case of married woman or husband).

Age. Date of birth.

Profession.

Residence Nationality.

Monthly rate of wages at the time the injury was sustained.

What amount of compensation is claimed and justification for the claim.

Name of the employer and his full address.

Ticket number, if any, and department in which employed.

The amount of advance received from employer.

Place where injury was sustained. Date of injury.

Cause of injury in detail.

Details of injury.

If taken to dispensary or hospital, which and when?

If discharged from dispensary or hospital, when?

If attended to at residence by a medical practitioner, details of place where treated and name of medical practitioner.

If any temporary allowance and/or pension is being or has been drawn by the injured person, details thereof.

The compensation may be made payable at Post Office

Government Treasury.

I certify that I am not in receipt of any compensation under the Personal Injuries (Compensation Insurance) Scheme, other than that claimed above in respect of the personal injury sustained by me.

I certify that the information furnished above is true to the best of my knowledge and belief.

Date

(Signature of claimant or thumb impression if illiterate.)

FORM G

[See Clause 14(2)]

APPLICATION FOR COMPENSATION BY ELIGIBLE MEMBER

Applicant's full name (in capitals).

Name of father (in case of married women or husband).

Age. Date of birth.

Profession.

Residence. Nationality.

Relationship with deceased.

Full name of the deceased (in capitals).

Place of death.

Cause of death.

Name of the employer of the deceased.

Whether the deceased was a Government servant and if so, state the amount of gratuity, family pension, extraordinary pension, etc. sanctioned by Government.

Ticket number, if any, and department in which employed.

Place of employment.

Monthly rate of wages of the workman at the time the injury was sustained or death occurred.

Was deceased attended to by C.D. volunteer, home guard, police or other organisation, if so, details.

If deceased received any medical treatment, details thereof including place where received.

If deceased died in any hospital or dispensary, state details.

If not give any other proof of death, e.g. affidavits, or any certificates by a Gazetted Officer, Magistrate or Sub-Inspector of Police.

If deceased has any of the following relatives living at the time of his death, give details* in respect of each:—

Widow or widows, legitimate son(s), legitimate daughter(s), father, mother. State also if any has since died, or whether any female relative has since married or remarried.

Date of birth. Age: In the case of all eligible relatives.

Residence If staying elsewhere than with applicant, state details.

In the case of daughter, whether married.

In the case of children, Guardian, if any, other than applicant.

If any of the said relatives or the applicant—

(i) draws any other pension and/or allowance from public funds, state details as to the source and amount.

(ii) holds any appointment under Government, state details and rate of emoluments.

Amount and particulars of the claim made:—

The compensation may be made payable at Post Office

Government Treasury.

*If necessary, this may be done on a sheet to be attached and signed.

I certify that I am not in receipt of any compensation under the Personal Injuries (Compensation Insurance) Scheme other than that claimed above in respect of the personal injury sustained by the deceased.

I certify that the information furnished in the statement is true to the best of my knowledge and belief.

Date

(Signature of claimant or thumb impression if, illiterate).

FORM H

[See Clause 14(3)]

APPLICATION BY EMPLOYERS AND OTHER PERSONS AUTHORISED IN THIS BEHALF FOR COMPENSATION.

Name of applicant (if other than the employer) and full address.

Name of employer and full address.

Name of person(s) on whose behalf application is made.

Name of workman sustaining qualifying injury.

Name of workman's father (in the case of married woman, of husband).

Ticket number, if any, and department in which employed.

Age of workman at the time of receiving injury.

Residence.

Place of qualifying injury.

Date and time of qualifying injury.

Whether the qualifying injury resulted in death or not?

If workman received or is receiving any medical treatment, details thereof including place where received.

*If workman died in hospital or dispensary, give details. If not, give any other proof of death, e.g. affidavits, or any certificates by a Gazetted Officer, Magistrate or Sub-Inspector of Police.

Amount of compensation claimed.

Amount of advance, if any, already paid to workman or his dependants.

Monthly rate of wages of the workman at the time the injury was sustained or death occurred.

†Period during which the workman was employed.

Nature of employment.

†Number and date of policy taken by employer under clause 5 of the Personal Injuries (Compensation Insurance) Scheme.

I certify that to the best of my knowledge and belief no other application for compensation in respect of this injury has been made by any person and that I am acting on behalf of the workman/dependant(s) of the workman with his/their express consent.

The compensation may be made payable at Post Office

Government Treasury.

I also certify that the information furnished in the statement is true to the best of my knowledge and belief.

Date

(Signature of employer or the person

making the application).

* To be filled up only in cases of death of the workman.

†To be filled up by the employer when the application is made by him.

FORM I

[See Clause 15]

CERTIFICATE BY EMPLOYER

I _____ do hereby certify—

We, the firm of Messrs.

(i) that _____ whose age and description are given below—

(a) was a workman in employment under me/our firm, ticket number if any)..... and employed in department.

(b) was last at work under me/the firm and,

(c) that his wages as entered in the last wage roll were at the rate of Rs.....per mensem;

(ii) that I/we have taken out a Policy of Insurance under the Personal Injuries (Compensation Insurance) Scheme, 1965, and the number and date of the Policy are.....;

(iii) that no advance payment _____
an advance payment of Rs. _____

advance payments aggregating to Rs.

has/have been paid by me/us to the said workman/dependant(s) of the said workman.

If the workman is entitled to any compensation under section 5 (extracted on reverse), give details:—

Age of workman.

Description of workman.

Nature of injury.

(Signature of employer).

(To be printed on reverse).

Section 5 of the Personal Injuries (Compensation Insurance) Act, 1963

* * * * *

5. Where any person has a right apart from the provisions of this Act and of the Personal Injuries (Emergency Provisions) Act, 1962, to receive compensation (whether in the form of gratuity, pension, compassionate payment or otherwise) or damages from an employer in respect of a personal injury in respect of which compensation is payable under this Act, the right shall extend only to so much of such compensation or damages as exceeds the amount of compensation payable under this Act.

FORM J

[See clause 16(1)]

AWARD UNDER THE PERSONAL INJURIES COMPENSATION INSURANCE SCHEME

Important.—In the case of Government servants no award shall be made except in accordance with clause 10(2) of the Scheme, which reads as follows:—

"(2) notwithstanding anything contained in sub-clause (1), the amount of compensation payable to a Government servant under this Scheme shall in accordance with section 6 of the Act be equal to the amount of compensation that would have been payable under sub-clause (1) plus the appropriate lump sum value of the payments under the Personal Injuries (Emergency Provisions) Act, 1962, specified in clause 9 of this Scheme, reduced by the lump sum value of the extraordinary pension, gratuity, compassionate payment or damage.

payable to him under the Rules regulating the conditions of his service."

claims Officer for (area),

Name of Claims Officer

Name of person sustaining qualifying injury/killed.

Name of father of such person (In case of married woman, of husband).

Date and place of injury/death.

Age. Residence.

Profession. Nationality.

Compensation in favour of (block capitals)

Name of father of such person if other than the person sustaining qualifying injury (in the case of married woman, of husband).

Description of such person.

Age. Residence.

Profession.

Amount of compensation.

A lump sum of Rs. and in addition a payment of Rs. per month/quarter

Guardian, if any.

Period for which the monthly/quarterly payment is sanctioned with date of commencement.

Payable at Post Office/Government Treasury on the of each.....

Being satisfied that the sum of Rs. the amount/unrepaid balance of an advance payment made in accordance with sub-clause (1) of clause 12 of the Personal Injuries (Compensation Insurance) Scheme, by (name and address) the employer of in respect of whose injury this award is made, is due to the said employer, I direct that the said sum be deducted from the sums payable under this award in the following manner:

Deduction from lump sum payment of Rs. and in addition deduction of Rs. per month/quarter for months/quarters.

Date and Signature of Claims Officer Forwarded to the payee through the Deputy Collector/Assistant Collector/Deputy Commissioner/Commissioner/Sub-Divisional Officer.....

of District.

COURT'S SEAL

Copy forwarded to:-

(1) The Postmaster.....
(2) The employer

together with the attested specimens of the thumb and finger impressions of the payee and his signatures, if literate.

(3) The Deputy Accountant General, Posts and Telegraphs,

TABLE

(to be filled by the Postmaster or other authorised officer)

Period	Amount of Award	Signature or thumb impression of payee	Signature of Postmaster or other authorised officer	Date stamp of office	Amount of advance of Rs. b/e recovered in lump/instalment of Rs. each from each payment for remittance to the employer.
1	2	3	4	5	6

FORM X.

[See clause 21]

Application for exemption

Name of employer.

Full address.

Particulars of concern or concerns in respect of which exemption is sought.

Name of concern.

*Number of workmen employed.

Average monthly wages bill.

Period for which exemption is sought.

Reasons for asking for exemption.

Amount of compensation which the employer has undertaken to give to the employees.

The name of the firm with which the liability has been insured.

Number and date of policy.

Period covered by the Insurance.

I declare that the information given above is true.

Date..... (Signature of employer).

* Only workmen to whom the Act would be applicable should be included.

[No. F.3/3/63-Spl.(1).]

THE PERSONAL INJURIES (COMPENSATION INSURANCE) RULES

S.O. 3384.—In exercise of the powers conferred by sub-section (1) of section 22 of the Personal Injuries (Compensation Insurance) Act, 1963 (37 of 1963), the Central Government hereby makes the following rules, namely:—

1. **Short title and extent.**—These rules may be called the Personal Injuries (Compensation Insurance) Rules, 1965.

2. **Definitions.**—In these rules, unless the context otherwise requires—

- (a) "Act" means the Personal Injuries (Compensation Insurance) Act, 1963 (37 of 1963);
- (b) "Scheme" means the Personal Injuries (Compensation Insurance) Scheme, 1965;
- (c) "Form" means a form appended to these rules;
- (d) "quarter" means a period of three months, commencing on the first day of April, July, October, or January.

3. **Ascertainment of Wages Bill.**—The wages bill of an employer shall be computed by aggregating the gross cash wages including overtime wages and allowances of all workmen employed by him but shall exclude all that part of gross cash wages and allowances of individual employees which exceed five hundred rupees per month and bonus paid on profits.

4. **Form of Policy.**—Every policy of insurance referred to in sub-section (2) of section 8 of the Act shall be in Form X.

5. **Quarterly advance payment.**—The period for the purpose of clause (h) of sub-section (5) of section 8 of the Act shall be a quarter.

6. **Date by which policy is to be taken.**—An application for taking out a policy of insurance shall be made—

- (a) if the employer had been employer for the complete quarter ending the 31st December 1965 then on or after the 10th January 1966 and not later than the 9th February 1966;
- (b) in all other cases, within one month of the employer's having become an employer for one complete quarter.

7. **Form and manner of Accounts.**—An account of all sums received into and paid out of the Fund shall be prepared in Form Y and shall be published annually in the Official Gazette.

8. Period of appeal.—An appeal under sub-section (3) of section 15 of the Act shall be made within ninety days of the determination made under sub-section (1) of that section.

9. Recovery.—The Claims Officer may, on default by an employer recover as an arrear of land revenue any amount payable by the employer and for this purpose the Claims Officer shall be deemed to be a public officer within the meaning of section 5 of the Revenue Recovery Act, 1890 (1 of 1890).

FORM X

(See Rule 4)

GOVERNMENT OF INDIA

PERSONAL INJURIES (COMPENSATION INSURANCE) ACT, 1963

Policy No.

Policy of Insurance against liabilities insurable under the Act.

This policy and the Specification hereto (which forms an integral part of this Policy) shall be read together as one contract and the words and expressions to which specific meanings have been attached in the Specification shall bear those meanings wherever they may appear.

THE SPECIFICATION

The President	The President of India.
The Government Agent.
The Insured Name
Business Address.
Trade or business.
Names and addresses of all premises, factories, mines or establishments where employees covered by the Act normally work.	(1) (2) (3)

Date of commencement of Insurance

Advance against premium Rs.	paid into the
Treasury	at..... on the..... day
Reserve Bank of India	of
State Bank of India	19.....

Whereas the Insured has made and forwarded to the Government Agent a signed application for insurance, which application the Insured has agreed shall be the basis of this Policy, and has paid the advance of premium named above and,

Whereas the Insured has agreed that all the declarations, which he may be making from time to time hereafter, in relation to this policy shall also be the basis of this policy,

Now, this policy witnesseth that in consideration of the premises and condition that there shall be duly paid to the President subsequent instalments of advance premium as the insured may be required to pay in terms of Notifications made under sub-clause (2) of clause 8 of the Personal Injuries (Compensation Insurance) Scheme and on condition that after the period of the present Emergency there shall be paid to the President within such time and in lump sum or in such instalments as may be notified, the final adjustment of premium as may be required in terms of Notification under the Personal Injuries (Compensation Insurance) Act, 1963. The President agrees [subject to the provisions contained in the Personal Injuries (Compensation Insurance) Act, 1963, and the Scheme and Rules made thereunder which provisions shall so far as the nature of them respectively will permit be deemed to be conditions precedent to the right of the Insured to recover hereunder that if during the present emergency any employee to whom the said Act applies shall sustain any personal injury for which the Insured is liable to pay compensation under the said Act, then the President will indemnify the Insured against all sums for which the Insured shall be so liable.

And it is hereby declared that this policy shall be subject to the conditions and privileges printed on the back hereof.

In witness whereof, I being duly authorised in that behalf have hereto set my hand for and on behalf of the President.

Signed for and on behalf
of the President, the.....
day of 19

Conditions

1. Every notice or communication to be given or made under this policy shall be delivered in writing to the Government Agent.

2. The observance and fulfilment of the terms and conditions of this policy so far as they relate to anything to be done or not to be done by the insured and the truth of the statements and answers in the Application Form and in all the declarations in relation to the policy shall be conditions precedent to any liability of the President to make any payment under this policy.

3. On the happening of any occurrence which may give rise to a claim under this policy the insured shall forthwith give notice thereof in writing to the Government agent and shall within fifteen days after such occurrence, or such further time as the Government agent may in writing allow, give to the Government agent all such proofs and information with respect to the claim as may reasonably be required, together with (if demanded) a declaration verified by an affidavit, of the truth of the claim and of any matters connected therewith. No claim under the policy shall be payable, unless terms of this conditions have been complied with.

4. If the claim be in any respect fraudulent or if any fraudulent means or devices be used by the Insured or anyone acting on his behalf to obtain any benefit under this policy, or if any injury is suffered by any employee of the Insured by the wilful act of or with the connivance of the Insured, all benefits under the policy shall be forfeited.

Provided that the benefits under the policy shall not be forfeited even though the injury to an employee is sustained in the course of the wilful act and with the connivance of the Insured when the wilful act is done under orders of proper authority, or where the Insured permits certain measures to be taken under orders of proper authority, and if any question arises as to whether any act of the kind mentioned above has been taken under proper authority, the Central Government shall decide the matter and such decision shall be final and fully binding on the Insured.

5. No refund of premium shall be allowed in respect of the policy except as provided by or under the Personal Injuries (Compensation Insurance) Act, 1963 (37 of 1963).

6. In the event of a transfer of interest, this policy may be assigned but such assignment shall not take effect until notice of assignment has been given to the President.

7. The Insured shall at all times take due precautions for the safety of his employees. If the Insured shall fail to comply with any regulations or instructions made or issued under the authority of the Central Government for the safety of his employees, all benefits under the policy shall be forfeited.

8. If in his application for the insurance effected by the policy, and in subsequent declarations, the Insured shall have intentionally made a material misstatement as to the number his employees and their wages and allowances, all benefits under the policy shall be forfeited.

9. The name of every employee together with the amount of wages, salary and other earnings shall be properly recorded and the insured shall at all times allow an authorized representative of the President or of the Government Agent to inspect such records.

10. If at any time before the date of expiry of the present emergency the employer ceases to be an employer to whom the Act applies he shall not be required to pay any instalments of advance premiums that may be notified thereafter but a final adjustment premium as on the date on which he ceases to be employer shall be payable in such manner and on such date (being not earlier than two months from that date) as may be required by the President and the policy shall cease to have effect in respect of any personal injury sustained by any employee of the employer after the date on which he ceases to be an employer to whom the Act applies:

Provided that if the employer so applies within a month of that date and if the President agrees, the policy may be transferred in the name of such other person (being an employer to whom the provisions of the Act apply) under whom the majority of the employees of the insured have been transferred. If such transfer is agreed to, the provisions of condition 6 will apply.

FORM Y.

(See Rule 7)

Account of sums received into and paid out of the Personal Injuries (compensation Insurance) Fund during the year ending..... 19 ..

	Receipts		Expenditure	
	Amount	Progress of receipts upto the end of	Amount	Progress of expenditure upto the end of
	Rs. P.	Rs. P.	Rs. P.	Rs. P.
1. Advances of premium			1. Compensation under the Personal Injuries (Compensation Insurance) Scheme.	
2. Advances from General Revenues under Section 12(3).			2. Remuneration and expenses of Government Agent and cost of forms.	
3. Miscellaneous receipts.			3. Expenses of the staff employed to do the work in the States at the head-quarters of the Central Government. Expenses of the additional staff employed to cope with the audit and accounting arrangements.	
			5. Repayments of advances made under clause 12 of the Personal Injuries (Compensation Insurance) Scheme.	
			6. Miscellaneous expenditure (showing details if necessary).	

[No. F.3/3/63-Spl.-II.]

VIDYA PRAKASH, Dy. Secy.

New Delhi, the 20th October 1965

S.O. 3385.—In pursuance of the powers conferred by sub-clause (1) of clause 5 of the Mormugao Dock Workers (Regulation of Employment) Scheme, 1965, the Central Government hereby appoints with effect from the 1st October, 1965 (A.N.) Shri T. T. Tayade, the Executive Officer of the Mormugao Dock Labour Board, as the Administrative Body for the purpose of carrying on the day to day administration of the Scheme. Vice, Shri Dhindaw. Shri Tayade shall discharge the functions of the Administrative Body subject to the following restrictions and modifications, namely:

- (a) that he shall not be deemed to act as an agent for the employers under clause 12 (e)(i); and

(b) that for the purposes of clause 49 an appeal from the orders passed by him under clause 45 or 46 as the Administrative Body shall lie to the Chairman.

2. This notification shall be deemed to have come into force on the 1st October, 1965.

[No. 550/14/65-Fac.]

New Delhi, the 21st October 1965

S.O. 3386.—The following draft of a scheme further to amend the Dock Workers (Safety, Health and Welfare) Scheme, 1961, which the Central Government proposes to make in exercise of the powers conferred by the section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is hereby published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 21st November 1965.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Drafts Scheme

1. This Scheme may be called the Dock Workers (Safety, Health and Welfare) Amendment Scheme, 1965.
2. In clause 43 of the Dock Workers (Safety, Health and Welfare) Scheme, 1961,—
 - (i) in sub-clause (5), for the figures, letters, word and brackets "45 cm (18 inches)", the figures, letter, word and brackets "30 cm (12 inches)" shall be substituted;
 - (ii) after sub-clause (7), the following sub-clause shall be inserted, namely:—
"(8) Safe means of access shall be provided for the use of workers to and from stages. Ropes used for suspending stages shall not be used as means of access."

[No. 528/182/65-Fac.]

K. D. HAJELA, Under Secy.

ORDERS

New Delhi, the 19th October 1965

S.O. 3387.—Whereas an application has been made by the British Overseas Airways Corporation, New Delhi, for extension of the period specified in Clause (b) of section 19 of the said Act, the Central Government hereby extends the Bonus to the employees of the said establishment, for the accounting year ended on 31st March, 1965.

And whereas this Ministry is satisfied that there are sufficient reasons to do so;

Now, therefore, in exercise of the powers conferred by the proviso to clause (b) of section 19 of the said Act, the Central Government hereby extends the period within which the said bonus shall be paid by the British Overseas Airways Corporation, New Delhi to 9 (nine) months from the close of the said accounting year.

[No. WB-24(9)/65.]

S.O. 3388.—Whereas an application has been made by the Air France, New Delhi for extension of the period specified in Clause (b) of Section 19 of Payment of Bonus Act, 1965 (21 of 1965) for the payment of Bonus to the employees of the said establishment, for the accounting year ended on 31st December, 1964.

And whereas this Ministry is satisfied that there are sufficient reasons to do so;

Now, therefore, in exercise of the powers conferred by the proviso to clause (b) of section 19 of the said Act, the Central Government hereby extends the period within which the said bonus shall be paid by the Air France to 12 (twelve) months from the close of the said accounting year.

[No. WB-24(9)/65.]

HANS RAJ CHHABRA, Under Secy.

[Office of the Chief Labour Commissioner(C)]

ORDERS

New Delhi, the 14th October 1965

S.O. 3389.—Whereas an application has been made by the establishment carrying on operation concerning any mine other than coal mentioned in the

Schedule below for extension of the period specified in clause (b) of section 19 of the Payment of Bonus Act, 1965, for the payment of bonus to the employees of the said establishments, for the accounting year ended on the 31st December, 1964;

And whereas Chief Labour Commissioner is satisfied that there are sufficient reasons so to do;

Now, therefore, in exercise of the powers conferred by the proviso to clause (b) of section 19 of the said Act, read with the Notification of the Government of India in the Ministry of Labour and Employment No. WB-20(42)/65, dated the 28th August, 1965 I, Teja Singh Sahni, Chief Labour Commissioner hereby extend the period within which the said bonus shall be paid by the establishments to 12 (twelve) months from the close of the accounting year ended on the 31st December, 1964;

THE SCHEDULE

- | | |
|--|--|
| 1. M/s. S. K. Kahansons & Co.,
No. 41, Connaught Circus,
Post Box No. 527,
New Delhi-1. | (In respect of Lime stone quarries at
Katni, Satna, Jukehi, Maihar Nagar,
Untari & Dehra-Dun). |
|--|--|

[No. BO-25(3)2/65.]

New Delhi, the 18th October 1965

S.O. 3390.—Whereas an application has been made by M/s. Pakur Quarries Private Ltd., carrying on operation concerning any mine other than coal for extension of the period specified in clause (b) of section 19 of the Payment of Bonus Act, 1965 (No. 21 of 1965), for the payment of bonus to their employees for the accounting year ended on the 31st December, 1964;

And whereas Chief Labour Commissioner is satisfied that there are sufficient reasons so to do;

Now, therefore, in exercise of the powers conferred by the proviso to clause (b) of section 19 of the said Act, read with the Notification of the Government of India in the Ministry of Labour and Employment No. WB-20(42)/65, dated the 28th August, 1965 I, Teja Singh Sahni, Chief Labour Commissioner hereby extend the period within which the said bonus shall be paid by M/s. Pakur Quarries Private Ltd. to 10 (ten) months from the close of the accounting year ended on the 31st December, 1964.

[No. BO-25(3)2/65.]

S.O. 3391.—Whereas an application has been made by the establishments carrying on operation concerning Coal Mine mentioned in the Schedule below for extension of the period specified in clause (b) of section 19 of the Payment of Bonus Act, 1965, for the payment of bonus to the employees of the said establishments, for the accounting year ended on the 31st December, 1964;

And whereas Chief Labour Commissioner is satisfied that there are sufficient reasons so to do;

Now, therefore, in exercise of the powers conferred by the proviso to clause (b) of section 19 of the said Act, read with the Notification of the Government of India in the Ministry of Labour and Employment No. WB-20(42)/65, dated the 28th August, 1965 I, Teja Singh Sahni, Chief Labour Commissioner hereby extend the period within which the said bonus shall be paid by the establishments to 12 (twelve) months from the close of the accounting year ended on the 31st December, 1964.

THE SCHEDULE

- | | |
|---|--|
| 1. East Dharmaband Colliery Co.,
Post Box No. 15, P.O. Jharia
(Dhanbad) | (in respect of East Dharmaband
Colliery). |
| 2. Gonshadih Coal Co., Post Box
No. 15 P.O. Jharia (Dhanbad)
E.R. | (in respect of Gonshadih Colliery). |
| 3. Surindra East Loyabad Colliery
Co., Post Box No. 15, P.O.
Jharia, E.R. District Dhanbad, | (in respect of Surindra East Loyabad
Colliery). |
| 4. Upper Mandra Colliery Co., Post
Box No. 15, P.O. Jharia (Dhan-
bad). | (in respect of Upper Mandra Colliery). |

[No. BO-25(3)1/65.]

TEJA SINGH SAHNI,
Chief Labour Commissioner (Central).

MINISTRY OF PETROLEUM AND CHEMICALS

New Delhi, the 19th October 1965

S.O. 3392.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between Barauni Refinery in Bihar State and Haldia Port in Calcutta in West Bengal State, pipelines should be laid by the Indian Oil Corporation Limited and that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the land described in the Schedule annexued hereto.

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this Notification, object to the laying of the pipelines under the land to the competent authority, 9 Syed Amir Ali Avenue, Calcutta-17 in the office of the Indian Oil Corporation Limited. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Addendum :

State —West Bengal District—Howrah Thana —Domjur

Village	Survey Nos. (Plot Nos.)	Extent (Area)	Survey Nos. (Plot Nos.)	Extent (Area)
Kolar J. L. No. 20	6488	.005		
Sankharidaha J. L. No. 22	1192	.005		
Bipra Naopara J. L. No. 27	4230 4231 4232 4233 4234 4235 4236 4403 4573	.01 .02 .04 .03 .09 .06 .02 .005 .01		
Prasastha J. L. No. 29	840	.0F		

[No. 31(33)/63-ONG/OR-Vol. 27.]

S.O. 3393.—Whereas it appears to the Central Government that it is necessary in this Notification, object to the laying of the pipelines under the land to the refinery in Bihar State and Haldia Port in Calcutta in West Bengal State, pipelines should be laid by the Indian Oil Corporation Limited and that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the land described in the Schedule annexued hereto.

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this Notification, object to the laying of the pipelines under the land to the competent authority, 9, Syed Amir Ali Avenue, Calcutta-17 in the office of the Indian Oil Corporation Limited. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Addendum :

State—West Bengal	District—Howrah	Thana—Uluberia
Village	Survey Nos. Extent (Plot Nos.) (Area)	Survey Nos. Extent (Plot Nos.) (Area)
Joargar, J. L. No. 58	4397 .05 4852 .08	
Baniban, J. L. No. 63	406 .005	
Basudebpur, J. L. No. 93	4662 .005	
Bar Rammagar, J. L. No. 97	1271 .005 1275 .005	
Surikhali, J. L. 98	432 .02	

[No. 31(33)/63-ONG/OR-Vol. 24.]

S.O. 3394.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between Barauni Refinery in Bihar State and Haldia Port in Calcutta in West Bengal State, pipelines should be laid by the Indian Oil Corporation Limited and that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto.

2. Now therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this Notification, object to the laying of the pipelines under the land to the competent authority, 9, Syed Amir Ali Avenue, Calcutta-17 in the office of the Indian Oil Corporation Limited. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

State—West Bengal	District—Howrah	Thana—Bagnan		
Village	Survey Nos. (Plot Nos.)	Extent (Area)	Survey Nos. (Plot Nos.)	Extent (Area)
Mellak, J.L. 20	1965 .02 1967 .02 1969 .005			
Asharia, J.L. 21	51 .03 52 .02			

Village	Survey no. plot no.	Extent Area
Matinala, J.L. 24	207 211 212 286	.05 .02 .01 .08
Chak Kamala, J.L. 23	983	.005
Naupala, J.L. 25	635 636 637 638 654 656	.40 .03 .13 .20 .02 .02
Iswaripur, J.L. 34	7 13 14 15 17 19	.02 .27 .14 .13 .005 .01
Hijlak, J.L. 61	46 47 597 600 601 1321 1351	.08 .10 .08 .16 .24 .005 .005

[No. 31(33)/63-ONG/OR-Vol. 28.]

V. P. AGARWAL, Under Secy.

MINISTRY OF INDUSTRY AND SUPPLY

(Department of Industry)

New Delhi, the 11th October 1965

S.O. 3395.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules to amend the Junior Field Officers and Investigators (Small Scale Industries Organisation) Recruitment Rules, 1962, published with the notification of the Government of India in the late Ministry of Commerce and Industry, No. S.O. 2966, dated the 18th September, 1962, namely:—

1. These rules may be called the Junior Field Officers and Investigators (Small Scale Industries Organisation) Recruitment (Amendment) Rules, 1965.
2. In the Junior Field Officers and Investigators (Small Scale Industries Organisation) Recruitment Rules, 1962 after Schedule IV relating to the "Industrial Management and Training Division" the following Schedule shall be inserted, namely:—

INDUSTRIAL
SCH

Name of Post	No. of posts	Classification	Scale of pay	Whether selection or non-selection post	Age limit for direct recruits	Educational and other qualifications required for direct recruits
1	2	3	4	5	6	7
Investigator.	1	Class III non-Gazetted non-Ministerial	Rs. 210— 10—290— 15—320— EB—15— 425.	Not applicable.	Between 20 & 25 years.	<p><i>Essential :</i></p> <ul style="list-style-type: none"> (i) Matriculation or its equivalent. (ii) Diploma/certificate in fine arts issued by a recognised Board of Technical/Vocational education. (iii) Practical experience of about one year in artistic commercial display and advertisement designs and painting in the case of Diploma Holders and 3 years in case of Certificate holder. <p><i>Desirable :</i></p> <ul style="list-style-type: none"> (i) Knowledge of machine drawing.

DESIGN DIVISION

RULE V

Whether age and educational qualification prescribed for the direct recruits will apply in the case of promoters	Period of probation, if any	Method of recruitment whether by promotion or by direct recruitment or by transfer, from promotion or which transfer and promotion to percentage of vacancies to be filled by various methods.	In case of recruitment by transfer, grades, from which promotion to be made	If a D.P.C. exists what is the composition	Circumstance in which U.P.S.C. is to be consulted in making recruitment.
8	9	10	11	12	13

Not applica- ble.	Two years.	By direct re- cruitment	Not applicable	Not applicable	Not applicable."
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[No. 4/42/65-SSI(C)]

L. G. MIRCHANDANI, Dy. Secy.

(Department of Industry)
(Indian Standards Institution)

New Delhi, the 15th October 1965

S.O. 3396.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, as amended in 1962, the Indian Standards Institution hereby notifies that the Standard Mark(s), design(s) of which together with the verbal description of the design(s) and the title(s) of the relevant Indian Standard(s) are given in the Schedule hereto annexed, have been specified.

These Standard Mark(s), for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952, as amended in 1961, and the rules and regulations framed thereunder, shall come into force with effect from 16 October, 1965.

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Products to which applicable	No. & Title of Relevant Indian Standard	Verbal description of the design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
1	IS:2791 	Soluble coffee powder	IS:2791-1964 Specification for soluble coffee powder	The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in col (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.
2	IS:2865 	Methyl parathion emulsifiable concentrates	IS:2865-1964 Specification for methyl parathion emulsifiable concentrates	The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in col (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.

[No. MD/17:2.]

S.O. 3397.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961, 1962 and 1964, the Indian Standards Institution hereby notifies that the marking fee(s) per unit for various products, details of which are given in the Schedule hereto annexed, have been determined and the fee(s) shall come into force with effect from 16 October 1965.

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and title of relevant Indian Standard	Unit	Marking Fee per Unit
(1)	(2)	(3)	(4)	(5)
1	Soluble coffee powder	IS:2791-1964 Specification for soluble coffee powder	One kg.	3 Paise per unit for the first 100 000 units; 1 Paise per unit for the 100 001 unit and above.
2	Methyl parathion emulsifiable concentrates	IS:2865-1964 Specification for methyl parathion emulsifiable concentrates	One litre	1.5 Paise

[No. MD/18:2.]

New Delhi, the 18th October 1965

S.O. 3398—In licence No. CM/L-509 dated 25th February 1963 held by M/s. Henley Cables India Ltd., Bombay-1, the details of which are published under S.O. 1407 in the Gazette of India, Part II, Section 3, Sub-section (ii) dated 1st May 1965, the list of articles has been revised as under with effect from 27th September 1965 :

Type	Voltage Grade	Conductor
(a) PVC Insulated Cables		
(i) Single core (unsheathed)	250/440 and 650/1 100 volts	
(ii) Single core (PVC sheathed)	250/440 and 650/1 100 volts	
(iii) Circular twin, three and four core (PVC sheathed)	250/440 volts	
(iv) Flat twin with or without earth continuity conductor (PVC sheathed)	250/440 volts	
		}
		Copper or Aluminium
(b) PVC Flexible Cords		
(v) Circular twin, three and four core (PVC sheathed)	250/440 volts	
(vi) Twin twisted (unsheathed)	250/440 volts	
		}
		Copper only

[No. MD/12:906]

S.O. 3399—In licence No. CM/L-516 dated 21st March 1963 held by M/s. Henley Cables India Limited, Bombay-1, the details of which are published under S.O. 1407 in the Gazette of India, Part II, Section 3, Sub-Section (ii) dated 1st May 1965, the list of articles has been revised as under with effect from 27th September 1965 :

Type	Voltage Grade	Conductor
(a) VIR Cables for Fixed Wiring		
(i) Tough rubber sheathed	250/440 volts	
(ii) Braided and compounded	250/440 and 650/1 100 volts	
(iii) Weatherproof	250/440 volts	
(iv) Weatherproof	650/1 100 volts	
(v) Tough rubber sheathed	650/1 100 volts	
(vi) Flame retarding	250/440 volts	
		}
		Copper or Aluminium
		Aluminium only.
		Copper only
(b) VIR Flexible Cables		
(vii) TRS welding cables		Copper only
(c) VIR Flexible Cords		
(viii) Twin-twisted, 'domestic type'	250/440 volts	
(ix) Tough rubber sheathed	250/440 volts	
		}
		Copper only

[No. MD/12:9Sh.]

New Delhi, the 19th October 1965

S.O. 3400—The Certification Marks Licences, details of which are given hereafter, have lapsed or their renewal deferred.

Sl. No.	Licence No. and Date	Licensee's Name and Address	Article and the Indian Standard Number	Gazette Notification Notifying Grant of Licence	Remarks
1	2	3	4	5	6
1	CM/L-335 24-8-1961	M/s Alpha Electric & Engg. Co., 30 Calicut Street, Ballard Estate, Bombay-I	Small AC and universal electric motors with Class 'A' insulation—IS : 996-1959	S.O. 2214 16-9-1961	Deferred after 14-9-1965
2	CM/L-337 1-9-1961	M/s Nahan Foundry Ltd., Nahan Distt. Sirmur (Himachal Pradesh)	Small AC and universal electric motors with Class 'A' insulation—IS : 996-1959	S.O. 2214 16-9-1961	Lapsed after 14-9-1965
3	CM/L-338 1-9-1961	M/s Indo-Asian Traders Pvt. Ltd., Nakodar Road, Jullundur (Punjab)	Metal clad switches 15, 30, 60 and 100 amps, 250, 500 and 650 volts grade—IS : 1567-1960	S.O. 2214 16-9-1961	Deferred after 14-9-1965
4	CM/L-547 14-6-1963	M/s Sheet & Metal Industries, 137A Jessore Road, Dum Dum, Calcutta	Tea-chest metal fittings—IS : 10-1964	S.O. 2036 20-7-1963	Deferred after 15-9-1965
5	CM/L-567 26-7-1963	M/s Vansal & Vansal, 105/696 Kalpi Road, Kanpur (U.P.)	Small AC and universal electric motor, with Class 'A' insulation 1/40 HP only IS : 996-1959	S.O. 2372 24-8-1963	Lapsed after 31-8-1965
6	CM/L-728 29-6-1964	M/s Man Industrial Corp. Ltd., Jaipur (Rajasthan)	Structural steel (standard quality)—IS : 226-1962	S.O. 2590 1-8-1964	Lapsed after 31-7-1965
7	CM/L-729 29-6-1964	M/s Man Industrial Corp. Ltd., Jaipur (Rajasthan)	Structural steel (ordinary quality)—IS : 1977-1962	S.O. 2590 1-8-1964	Lapsed after 31-7-1965
8	CM/L-749 29-7-1964	M/s Hargolal & Sons, Hargolal Road, Ambala Cantt. (Punjab)	One-mark pipettes, 20 ml Class A and B and 25 ml Class B—IS : 1117-1958	S.O. 3487 3-10-1964	Lapsed after 30-9-1965
9	CM/L-779 8-9-1964	M/s Newage Electrical Works, G. T. Road, Goraya (Punjab)	Metal clad switches, 15 amperes 250 volts only—IS : 1567-1960	S.O. 3762 31-10-1964	Deferred after 30-9-1965
10	CM/L-781 16-9-1964	M/s Elite Electrical Industries, 5332 Chandrawal Road, Subzimandi, Delhi	Electric radiators for domestic use of voltage not exceeding 250 volts (2000 watts only)—IS : 369-1952	S.O. 3762 31-10-1964	Lapsed after 30-9-1965

[No. MD/33 : 16/C]

D.V. KARMARKAR,
Joint Director (Marks)

ERRATA

In the office of the Collector of Central Excise, Bangalore, Corrigenda Nos. S.Os. 1122 and 1123, dated 20th March, 1965, published in Part II, section 3, sub-section (ii) of the Gazette of India, dated 10th April, 1965, the following corrections are to be made:—

Page 1276—

- (i) For the date line "Bombay, the 20th March, 1965" of the Corrigenda read "Bangalore, the 20th March, 1965".
- (ii) For "File No. V(a)/24/63 B2" read "File No. V(a)/24/24/63 B2".

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- (iii) In the schedule, in col. 3, against Sindagi Taluka, the village "Manglul" should be read as "Mangrul".

